

JESUITS' ESTATES

IN

CANADA

Public Property,

A CAREFUL DIGEST AND REVIEW OF THEIR HISTORY; EM-
BRACING THEIR ORIGIN, DESIGN, MANAGEMENT, REVENUES,
USES, AND INVESTMENT OF THE INCOME DERIVED FROM
THEM; THE WHOLE BEING OBTAINED BY A LABORIOUS
EXAMINATION OF OFFICIAL DOCUMENTS, AND COVERING
THE PERIOD FROM A. D. 1635, TO THE PRESENT TIME

BY

A. RANKIN A. M.

WITH AN INTRODUCTION

BY

REV. HENRY WILKES, A.M.

Montreal:

PRINTED BY J. C. BECKET, NO. 22, GREAT ST. JAMES STREET.

1850.

The
P
s
I

A

The
P

Ali

Me
I
e

The
I

The
in
t

CONTENTS.

CHAPTER I.

- The first Settlement of the Jesuits in Canada—their Occupation, Suppression and the Confiscation of their Property, and their Extinction by Death—the Origin, Letters Patent, Design, Amortization and Extent of their Estates . . . 9

CHAPTER II.

- A more minute Specification of this Property . . . 18

CHAPTER III.

- The Revenue of this Property, and the use to which it was put, particularly from 1800 to 1832 . . . 28

CHAPTER IV.

- Alienation of the Property, Perversion of the Revenue, &c . 35

CHAPTER V.

- Measures preparatory to the Restoration to their Original Design, and Legislative action, appropriating the Revenue exclusively to Education . . . 44

CHAPTER VI.

- The Revenue of 1832 and 1849, Grants from it, the Invested Funds, &c. . . 54

CHAPTER VII.

- The policy of Government—the duty of the Colonists—the intention and efforts of the Roman Catholics to acquire the possession and control of these Estates . . . 65

CHAPTER VIII.

Have the Roman Catholics a legal or equitable right to these Estates?	72
---	----

CHAPTER IX.

Same subject continued	78
----------------------------------	----

CHAPTER X.

Authorities supporting the positions of the foregoing chapters	83
--	----

CHAPTER XI.

The Roman Catholics have no right in equity to these Estates	96
--	----

CHAPTER XII.

Strictures on a Memoir of the Estates which belonged to the Jesuits, &c.,—the Legal Tenure of this Property was never vested in the Roman Catholic Church—the English Government never guaranteed it to the Jesuits—it was rightfully Confiscated; the incorrect statements of the author	106
---	-----

CHAPTER XIII.

The exorbitance, unreasonableness and injustice of the desire and purpose of the Roman Catholics to obtain this Property	114
--	-----

CHAPTER XIV.

The Protestant population may retain these Estates to be devoted to their present use—some considerations that urge them to exert themselves for this purpose—and suggestions relative to the course of procedure necessary to secure this result	124
---	-----

TH
noti
req
M
in l
chi
one
he
oth
inv
pag
plac
rec
On
cor
wri
jou
lim
exp
per
ext
cor
cor
L
kne
tha
pai

INTRODUCTION

THE Author of this work has requested me to introduce it to the notice of the public by a few explanatory observations; with that request I now comply.

Mr. RANKIN is a clergyman of the Congregational order, held in high esteem in those places in which his public life has been chiefly spent. Having occasion to spend a year and a half in one of our Eastern Townships, where reside several near relatives, he was induced, as well by natural taste, as by the request of others, and, above all, by a desire to be useful, to engage in those investigations, the results of which are found in the following pages. In pursuit of his object, he visited Quebec and other places, obtained access to all needful public documents, and received varied information from parties competent to afford it. On the completion of his researches, a series of fourteen letters—corresponding with the chapters in the following work—were written for the *Sherbrooke Gazette*, and were published in that journal. They attracted much attention, so far as the local and limited circulation of that paper permitted, and the desire was expressed in several quarters, that they should assume a more permanent form for reference, and should also be circulated extensively through the country. The issue of this work is in conformity with such desire, which, it is hoped, will be fully complied with, by a lively demand on the part of the public.

It will be obvious to every reader, aware of the general want of knowledge in the country upon the subject of the Jesuits' Estates, that these chapters have not been penned without great and pains-taking toil. I have no doubt that their accuracy in all

important particulars may be fully depended upon. They bear the marks of great caution and candor in the adjustment of doubtful points, and in reaching conclusions. Of course, the work is not one fitted much to interest the imagination or to stir the affections. It is not a thing of fiction or of romance, with thrilling incidents and affecting scenes; but, on the Author's supposition that the people of Canada only need to be informed regarding matters of no little concern to their own higher interests and those of their children, to bestir themselves, as becomes freemen, for the maintenance of their rights;—this little book cannot fail to produce an impression. The plan adopted by the Author of inserting in the text of the work, the important public documents, which both afford and sustain his positions regarding these Estates, instead of throwing them into notes, necessarily gives to the earlier chapters an aspect of formality and dryness, by no means attractive; but as the papers deserve this prominence, I pray the reader to wade through them, both for their historical interest, and the essential bearing they have on what follows.

It is, probably, the general impression on the public mind in Canada, that the Jesuits' Estates' question is one only of local interest. I have no doubt, for instance, that the vigorous and enlightened people of Western Canada, for the most part regard this as a Lower Canada question, and, perhaps, mainly a French question, with which they have little concern. But, apart from the common error of supposing such a matter unimportant to them, because it relates to this part of the United Province, they will find, on examination of the facts now laid before them, that the question is CANADIAN, without reference to East or West—these Estates belong to the whole country, and not to a part of it; for they were given or acquired at a period when Canada had not been separated into Upper and Lower. And, assuredly, if the Canadian people, as a whole, bestir themselves in this matter in time, they will secure for their children, and their children's children, an inheritance for the promotion of sound education of no trivial value.

With a brief indication of the points brought out in the following little treatise, these introductory observations may be brought to a close. Very early in the history of this Colony, as settled by the French, certain lots of land in Quebec and elsewhere, were conveyed to the Society of Jesus, for the purpose of founding and

sustaining a College for the education of the people. The process by which this little matter increased to a great one, appears in detail. A College was erected—the profits of the Estates were invested in fresh acquisitions, and the entire matter seems to have proceeded harmoniously until the conquest by Great Britain, and the subsequent treaty ceding the country to that power. At that time provision was made for the lapsing of these Estates to the Crown. The order of Jesuits was abolished in Canada, and while a decent maintenance was provided for the survivors, on the death of the last, the Crown was to take formal possession of the whole. This was at length accomplished in the year 1800. Special attention should be directed to the mystery which surrounds the employment of the income of the Estates, during many years afterwards. The Legislature of Lower Canada, directed their investigations into these matters, with commendable regard to the public welfare; but their success was not great. In the year 1831, the Home Government placed these Estates in charge of our local Legislature, since which time the whole transactions in regard to them are of easy access. Yet certain things, and especially one important matter, demand explanation; while for many years public money has been voted for education with commendable zeal by our Legislature; *it appears that the yearly income of these Estates, specially given and acquired for education, was for many years allowed to accumulate, so that to the credit of that account in the books of the Province, stands a sum of between £52,000 and £53,000.* Every man in Canada should ask what is this sum intended for? Why has it not been expended in education? Admitting that the accumulation occurred, while little was being done for that object, why was there not distribution in after and better times? The retention of this accumulation of income for many years, and amid all changes of Government, seems to indicate some settled uniform policy. *Let the country insist upon knowing what that is.* Is there any design to give these Estates and this accumulation to the Roman Catholic Church? The author of the following pages very clearly shows that that Church has no right to them, legal, equitable or moral; but he demonstrates that such right is affirmed, and on all fitting occasions presented and pushed. Every Roman Catholic and Protestant in Canada has a deep interest in the settlement of this question. The claim is set up on behalf of ecclesiastical control. The people of all classes have a really large stake in

the alternative, shall it be thus? or shall this property be national, and be managed by the people's representatives for the people's welfare? Let every man study the question and do his duty. The value of the property is at this moment, probably, between £750,000 and £1,000,000, or to employ the nomenclature of the author, between three and four millions of dollars. What will become its value as the country advances, and under good management? Mr. RANKIN has not particularly alluded to the bearing of the question on the interests of the Western parts of the Province, nor is this the place to discuss that point; but enough will be found in these pages to justify the inference, that the dwellers in the Western, London and Gore Districts, have something at stake in the matter, as well as those in the Districts of Gaspé and Quebec. The work is commended to the thoughtful regard of the people of Canada.

H. WILKES.

MONTREAL, *July*, 1850.

JESUITS' ESTATES.

CHAPTER I.

THE FIRST SETTLEMENT OF THE JESUITS IN CANADA—
THEIR OCCUPATION, SUPPRESSION AND THE CON-
FISCATION OF THEIR PROPERTY, AND THEIR EX-
TINCTION BY DEATH—THE ORIGIN, LETTERS PA-
TENT, DESIGN, AMORTIZATION AND EXTENT OF
THEIR ESTATES.

EARLY after the settlement of Canada, a number of Jesuits from France, came into the Colony. Others soon followed them, so that at length they became considerably numerous. Some devoted themselves to the self-denying duties of missionaries among the savages, and others to teaching schools, and the establishment and management of Quebec College, some convents at Three Rivers, Quebec and Montreal, and the Seminaries in the two cities.—Their labors were continued to the conquest, 1763. In 1774, they were suppressed in the Colony by a Royal decree of the Imperial Parliament, and their property was confiscated, except what the surviving few might need for comfortable subsistence during their na-

tural lives. The last of their number died in 1800.

At different periods, they obtained, by grants from the King of France, the Duke of Vantadour, one hundred associates in France,* generous individuals, and by purchase, a considerable amount of landed property, which, with its invested revenue, composes what is called the Jesuits' Estates. The amount of this property, its relation to education, and other circumstances, make every thing relating to it a matter of no ordinary public interest at the present time. Un-

* In 1627, an association, called the hundred associates, was formed in France, for the purpose of peopling New France, or Canada. This arrangement was designed to rescue the infant Colony from its depressed condition. It consisted then of some houses and barracks at Quebec, a few huts for fishing and trade, at Tadousac, Three Rivers and Montreal.—This association, consisting of 100 distinguished individuals, undertook, by 1643, to raise the Colony to 6000, that is, that they would add 4000 of both sexes to its population, on condition of having the exclusive monopoly of the fur-trade, of exemption from taxation, and other privileges. They engaged to maintain the emigrants for three years, bestowing upon them lands and seed-corn, or wheat. They were also to send a suitable number of Clergymen, supporting them 15 years, and at the end of that period to assign them glebes sufficient for their support. They were to allow no foreigners to settle in the country, but to people it exclusively with native Frenchmen. This association was under the direction of Cardinal Richelieu.

This company sent over a considerable number of nuns and monks, and gave a part of the *Jesuits' Estates*, for religion and educational purposes, though some of their title deeds, gave them the exclusive and unrestricted possession and disposal of the property conveyed. Nine years after the commencement of this expedition, Champlain, the Governor, died. Between this period and 1660, the Indians made fearful havoc of the colonists, murdered missionaries and many others, and drove the residue into fortified posts. The Colony was nearly annihilated. In Feb. 1663, a series of terrible earthquakes commenced, which continued, with little intermission, for six months. These and various other disasters, rendered Louis XIV. dissatisfied with the state and management of the Colony, and in March 1663, the 100 associates gave in their resignation, and that Prince assumed the command, and took steps to raise Canada to her due importance.

cil 1787, no one, except the Jesuits themselves, knew the extent of their lands and other property. In 1786, George III. contemplated the giving of the Jesuits' Estates to Lord Amherst, for which he had petitioned, and in pursuance of that design, the King appointed commissioners to investigate and ascertain the extent and value of the property, and its annual revenue, and whether the title was so far vested in the King that he could dispose of it, &c., and ordered Lord Dorchester to see that the commission was executed. They discharged the duty confided to them, and reported to the Provincial Parliament, in 1787. This voluminous report is to be found in the Appendix to the XXXIIIrd. Volume of the Journals of the House of Assembly of the Province of Lower Canada, 5 Geo. IV.—i. e., the session of 1824. The following schedule of property was reported by the Commissioners:—"Six superficial arpents, on which the Quebec College and Church are erected, given for the instruction of the children of the French inhabitants and of the savages of Canada; by reason of their *vows* of evangelical poverty, they could not hold any estates, except such as were held for and by the title of the College, founded in favor of the children of the country, ad *studendum et orandum*,—or study and prayer. And it was only as appertaining to the College, that the King, after the cession of Canada, made to him by the company of New France, confirmed and amortized all those estates, on which he relinquished all his rights, by a diploma, only for the purpose of affording the means of education and religious instruction. (*Ordinance de 1639. Patent, Louis XIV. 1678.*)

The seigniories were given particularly to catechise, instruct, and teach, and *even* for the as-

sistance the inhabitants of the country were to receive; this seigniory, and those to be mentioned, were in like manner amortized for ever for the same consideration, and for the establishment of this College and its church, and for the Catholic religion. (*Letters patent*, 1678.) The two Lorettes, or Seigniory of St. Gabriel, were given solely from friendship to the Jesuits. This gift was made over and amortized to the College. (*Ordinance of 1609. Patent 1678.*) The Peninsula upon the river St. Charles, *Lavacheirie*, near Quebec, was granted to supply the place of six arpents, taken from twelve arpents for the College, and for the same reason and end as ascertained in the *titles* to *Charlesbourg*. It was also amortized and annexed to the College. (*Title of possession 1646. Patent 1678.*) Sillery, near *Cape Rouge*, was granted for the temporal and spiritual aids of the country, and to support the missions. For these purposes the King ratified the title. (*Grant 1669, ratified 1702.*) Belair, or the *Montage a Bonhomme*. This tract was purchased from the savings of the College. The *Cape de Magdalene*, near Three Rivers, was given by one of the hundred associates in France, only for the establishment of the Christian faith, and to give the Jesuits the means of their own subsistence. But the Jesuits having expended on that estate the savings of the College of Quebec, from their apprehension of being disturbed from a want of a better title, the Intendant of the King confirmed this estate to them only in favor of and for the College at Quebec. He finally amortized this estate in favor of the College, and the establishment of the religion of the Canadians. (*Donation 1651. Patent 1678.*) Batiscan was given by one of the hundred associates, for the love of God. This was annexed

to the College by the King, by amortization. (*Ordinance 1676. Patent 1678.*) The Island St. Christopher, at Three Rivers, was granted and amortized by the King, in consideration of the advantages derived to religion by the instruction and conversion of the savages. (*Title of 1654. Patent 1678.*) Laprairie de Magdalaine, in the district of Montreal, was also granted because of the assistance which the inhabitants of Canada received from the Jesuits; but who, by reason of the expense incurred out of the savings of the College of Quebec, desired that this seigniority should be confirmed only in favor of the College. This and other seigniories mentioned in the patent were amortized only in consideration of the College, and the establishment of religion. (*Grant 1647. Ordinance 1676. Patent 1676.*) A piece of ground in *franc aleu Roturier*, at St. Nicholas, was granted, amortized, and assigned to the Jesuits, in favor of religion and the College of the Jesuits. (*Grant 1665. Donation 1674. Patent 1678.*) A lot of 11 acres, in *Roture*, at Point Levi, was confirmed and amortized by the King, for the College. (*Patent 1678.*) The Isle *Aux Ruaux*, below the Island of Orleans, was granted by the hundred associates, to supply the house of the Jesuits with fuel. This Island was amortized by the diploma of the King, in favor of the College. (*Grant 1638. Patent 1678.*) Six arpents in superficies, at Tadousac, for a chapel and burying ground, which were amortized by the King, 1656, and a lot of ground under the name of Fief Pachery, at Three Rivers, granted for the same purposes as those under the title of Sillery, (*Grant 1666,*) confirmed and amortized by the King, (*Patent 1678;*) another lot at the said place by exchange, (1650) with the inhabitants, (*Patent*

1650) amortized by the King. Also a remnant of ground contiguous, and extending to a small river towards Lake St. Peter, in like manner amortized by the King, for religion and the College. (*Grant* 1664. *Patent* 1678.) Several small portions of ground contiguous to each other in *Roture*, situate in the Upper Town of Quebec, around the Garden of the College, between the Southern side of a part of St. John's Street, and the Northern side of the prolongation of St. Anne Street, the whole appearing to have been acquired of old by the Jesuits, out of the savings of the College, and to be composed of two arpents, in superficies, for the price of £4 3s. 4d. sterling, (1663,) amortized by the associates and the King for religion and the College, in 1668. (*Patent* 1676.) Two other arpents, in superficies, for the price of £8 6s. 8d. sterling, (1665,) amortized by the hundred associates, (1668,) and again by the King. (*Patent* 1678.) A lot of forty feet granted as a site for a church, and provided for public devotion, (1666,) was amortized by the King. (*Patent* 1678.) Another lot of 11 feet granted by the Bishop of *Petree*, the first Bishop of Quebec, to enlarge the place for the said church, and render it more conducive to public convenience. (*Patent* 1678.) Another lot of eight arpents acquired by exchange, and amortized by the King. (1668 and 1679.) A lot of 58 perches in area, outside the walls of the town, acquired out of the savings of the College, and amortized by the King in consideration of religion and the College, (1668.) A lot of 104½ toises, in superficies, on the south-west side of the College, at the price of £12 18s. 4d. sterling, acquired out of the savings of the College, (1689.) Another lot *Rue des Jardins*, was in like manner acquired by the savings of the College for

£14 11s. 4d. sterling, (1681.) And a small triangular piece of ground, where now are the houses of the *Sœur Lievre*, at the corner of the *Rue des Jardins*, purchased from the savings of the College, for £6 5s. 0d. sterling, (1691.) These small portions of uncultivated ground, then covered with wood, or quarries and cavities, served to supply stone, and at length the administrators of the College rented them for building spots. The Parish Church of Quebec was duly amortized and granted in *Roture* to the Jesuits, who could hold no property but by the title of the College, in three lots, which now make part of the *Rue de la Fabrique*, the square and South part of the street of St. John, to wit: 70 perches, in superficies, charged with £8 0s. 4d. sterling, of *Cens et Rentes*, (1663,) and eleven perches, 96 superficial feet, charged in the same manner, with £1 7s. 6d. sterling, of *Cens et Rentes*, (1666.) These lots, then uncultivated and used as quarters, have been used for public streets, and were distributed in small portions to citizens, in consideration of very small rents, payable to the College. And the Parish Church, having the *Dominium utile*, has for its maintenance the mutation fines as casual profits, by mutations according to the titles and laws of property of this Province. The King's domain, the fiefs of the Parish Church, of the Seminary and Ursulines of this Town, were separated by the ancient plans, and finally by that made by a sworn Surveyor, (1658,) and confirmed by the Intendant of the King, (1699.)

The ground occupied by the Church and Mission House of Montreal, was acquired by Father Dablon, superior of the Jesuits, and principal of the College of Quebec, and approved by the Seminary, lawfully established at Montreal, as sole Seigneur of said Island, and was amortized by the

King, and dedicated and consecrated to the religious worship of the Canadians, and to their instruction. (*Patent 1677.*) The whole of the ground, remaining for the mission, consists of three *arpents* and sixty-eight perches, in superficies, enclosed according to the plan, and the remainder is outside of the Town. This mission was established in 1692, out of the savings of the College of Quebec, which alone could hold property, as a College, establishing there a mission for the Jesuit Missionaries could not, according to their institution and laws, hold any property. (1676.) A piece of ground at the Miamis upon the River St. Joseph, was held as a mission-house, like that of Montreal, dependant on the College at Quebec. The Sault St. Louis, near Montreal, was granted to the Jesuits for the Iroquois Indians, but in justice, after the conquest, the Iroquois obtained the restitution of their property. These facts are stated, thus minutely, principally in the language of the Commissioners, in order to give some general view of the origin and amount; but especially to show the *motives* and *purposes* on account of which the property was given or granted to the Jesuits, and amortized by the King of France. The objects were the education of the Canadians and Indians, and the propagation of the Catholic faith. Though many of the title deeds (the substance of all which are before me,) gave the Jesuits the exclusive control and disposal of their property, still their titles were confirmed, in consideration of their use for educational and religious purposes. As a derelict, a vacant Estate becomes the property of a Sovereign, whose subjects die intestate; had the Jesuits not been suppressed in Canada in 1774, their property would have become vested in the King of England at

their decease in 1800. In 1789, only four were alive, and they were of advanced age. Being unable any longer to acquit the stipulated obligations to instruct the savages and young Canadians, they renounced freely, voluntarily and *bona fide*, all property and possession thereof to the Canadian people, in favor of whom they were made, on condition that it should be devoted to the education of the savages and of the young Canadians, and that while they lived they should be supported, and should enjoy certain privileges.

CHAPTER II.

A MORE MINUTE SPECIFICATION OF THIS PROPERTY.

THE particular design of the first chapter was to show the origin and design of these Estates, as well as to give a general view of their extent in 1787, fourteen years after the acquisition of Canada by Great Britain. The Commissioners discovered no proof at that time, that any part of these estates had been alienated by the Jesuits before the conquest. Indeed, this was a thing very improbable, since the Jesuits, by great economy and frugality, seem to have always been aiming at the augmentation of their Estates.

It seems desirable, for the purpose of giving the present generation a more distinct and specific knowledge of the former extent of this property, to lay before them a document emanating from Government, in the reign of George III., addressed to the Sheriff of the District of Quebec in the year 1800, commanding him to take possession of the property in that District, for the Crown. This document, enrolled at Quebec, March 8, 1800, in the first Register of Letters Patent and Commissions, folio 446, not only names the property in general, but states particularly and specifically its locality and dimensions.

"George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

To the Sheriff of the District of Quebec, in the Province of Lower Canada.

GREETING :

Whereas all and every the Estates and Property, moveable and immoveable, situate in Canada, which did heretofore belong to the late order of Jesuits, have, since the year of our Lord Christ 1760, been and now are by law vested in us, under and by virtue of the conquest of Canada, in the said year of our Lord 1760, and under and by virtue of the cession thereof, made by His most Christian Majesty, in the definitive Treaty of Peace, concluded between us, His most Christian Majesty, and his most Catholic Majesty, at Paris, Feb. 10th, A. D. 1763. And whereas, of our special favor, we have been graciously pleased to suffer the late surviving members of the said late order of Jesuits, who were living and resident in Canada, at the period of the aforesaid conquest and cession thereof, to occupy certain parts of the said Estates and Property, moveable and immoveable, and to receive and enjoy the rents, issues and profits of such parts thereof, to and for their respective use, benefit, and behoof, during the terms of their natural lives. And whereas, all and every the said late surviving members of the said late order of Jesuits, are now deceased. And whereas, since the decease of the said late surviving members of the said late order of Jesuits; We, certain especial considerations us thereunto moving, have been graciously pleased, of our fur-

ther favor, to permit the Rev. Jean Joseph Cazot, Priest, to occupy divers parts of the said Estates and Property, which were so as aforesaid, occupied by the said late surviving members of the said late order of Jesuits, and to receive and enjoy the rents, issues, and profits thereof, to and for his use, benefit, and behoof during our Royal pleasure, which, for divers good causes and considerations, we have thought fit to and hereby do determine ; and whereas, in consideration of the premises we have resolved to take into our real and actual possession the parts of the said Estates and property of the said late order of Jesuits, which, under and by virtue of our said Royal permission, have been lately occupied by the said late surviving members of the said late order of Jesuits, and by the said Jean Joseph Cazot. Now, therefore, know, ye, that we have authorized and empowered, and by these presents do authorize, empower, and command you, the said Sheriff of our said District of Quebec, in our said Province of Lower Canada, for us, and in our name, to and for the use, benefit, and behoof of us, our heirs and successors, to enter upon and take into our real and actual possession, all and every the lands, estates, and property, moveable and immoveable, of every description and nature whatsoever, and every part and parcel thereof, situate, lying, and being in the said District of Quebec, in our said Province of Lower Canada, which heretofore did belong to the said late order of Jesuits, or whereof or wherein the said late order of Jesuits were seized, or possessed, or had, or claimed any manner of estate, right, title, interest, or demand, and which have been, so as aforesaid, occupied by the said late surviving members of the said late order of Jesuits, or any

or either of them, and by the said Jean Joseph Cazot ; and more particularly to enter upon and take into our real and actual possession, the Fief and Seigneurie of *Notre Dame des Anges*, commonly called Charlesbourg, containing one league of land, or thereabouts, in front, by four in depth, situate near the town of Quebec, partly on the River St. Charles, where it empties itself into the River St. Lawrence, and partly by the said River St. Lawrence, running back into the country towards the Western Mountains, bounded on the North-east side by the Fief and Seigniory of Beauport, the property of Antoine Juchereau Duchesnay, Esq., and on the South-west side by the Fief and Seigniory of Dorsainville, now possessed by the Nuns of the General Hospital, near Quebec, in front partly by the River St. Charles, and the rear by lands yet unconceded. Also the *Fief and Seigniory of St. Gabriel*, commonly called the old and new Lorette : consisting of a league and a half in front, by ten in depth, situated inland, at the distance of a league and a half from the River St. Lawrence, and adjoining the rear of the Seigniory of Sillery, formerly belonging to the Reverend Fathers of the Company of Jesus, bounded on the North-east side by the Fief St. Ignatius, possessed by the Nuns of the Hôtel Dieu, of Quebec, on the South-west by the Fief and Seigniory of Champigny or Godarville, belonging to the heirs Peuvret, represented by Antoine Juchereau Duchesnay, Esq., in front by the rear of the said Seigniory of Sillery, and in depth by lands unconceded ; also the *Fief and Seigniory of Sillery*, situated on the River St. Lawrence, consisting of one league of land in front, by a league and a half or thereabout in depth, running back to the Seigniory of St. Gabriel, which terminates it in

the rear, bounded on the North-east side by the point called *Pointe de Puisseau*, and the line which separates the said Fief and Seigniory from the Fief and Seigniory of St. Michel, possessed by the Ecclesiastics of the Seminary of Quebec, and on the South-west side by the Fief and Seigniory of Godarville, the property of Antoine Juchereau Duchesnay, Esq. Also the *Fief and Seigniory of Belair*, commonly called *Bonhomme Mountain*, consisting of one league and a half in front, by two leagues or thereabout in depth, situated in the rear of the Fief and Seigniory of Demaure or St. Augustin, and running back towards the River Jacques Cartier, bounded on the South-west side by the Fief and Seigniory of Neuville or *Pointe aux Trembles*, on the North-east side by the Fief and Seigniory of Godarville, in front by the said Seigniory of Demaure or St. Augustin, and behind by the said River Jacques Cartier: also of the *Fief and Seigniory* of the *Isle des Ruauux*, situated in the River St. Lawrence, a little below the Island of Orleans, consisting of about half a league in length, by eight arpents or thereabout in breadth. Also a tract of land or farm called *La Vacherie*, situated on and partly surrounded by the River St. Charles, and thence running up towards the hill called *La Côte St. Geneviève*, bounded on one side partly by the high road leading from the passage across the said River St. Charles, and on the other, partly by lands of _____, in front by the said River St. Charles, and behind by the said hill called *La Côte St. Geneviève*, consisting in the whole of 73 square acres or thereabout as at present occupied and possessed by David Lynd, Esq., and his under-tenants, and as more particularly bounded and described in the ancient

grants, titles, deeds, and conveyances thereof. Also a tract of land situated in the Seigniory of *Lauzon*, and Parish of St. Nicholas on the South side of the River St. Lawrence, consisting of 29 arpents or thereabout in front, running from a point opposite the River *Cap Rouge*, along the River St. Lawrence, to a place five arpents distant above the Great rivulet, which falls into the said River St. Lawrence, at a farm called the Great Cove, or by 40 arpents in depth, bounded on the North-east side by the lands of the Representatives of René Leduc, and on the other or South-west side by those of Abraham Milot, in front by the said River St. Lawrence, and behind by land unconceded. Also the following tracts, pieces or parcels of land situated in the Seigniory of *Lauzon* on the North side of the River St. Lawrence, opposite the Town of Quebec, to wit: four arpents in front along the River St. Lawrence, two arpents on each side of the House formerly belonging to the Reverend Fathers of the Company of Jesus, by 20 arpents in depth, now in occupation of Joseph Sampson, Crofton & Fortier. Another tract of land in the same Seigniory and adjoining thereto, consisting of 200 square arpents, viz.: five arpents in front along the River St. Lawrence, at the distance of 20 toises from the water at the highest tides, running towards St. Croix, by 40 arpents in depth; also another tract of land in the same Seigniory, adjoining that above described, consisting of six arpents in front, along the River St. Lawrence, by 40 in depth; and lastly, a tract of 11 arpents of land in front, adjoining the rear of the two preceding tracts, and bounded by the prolongation of the line thereof on each side, by 40 in depth, all as more particularly stated, specified, bounded,

and described in the ancient titles thereof: also a piece of land consisting of six arpents square, situated at a place called Tadousac, on the North side of the River St. Lawrence, whereon is built a Church and Presbytère or Priest's House. Twelve arpents of ground, or thereabouts, situated in the Upper Town of the City of Quebec, bounded in front to the Northward by St. John's-street, behind partly by the inclosure wall of the Ursuline Garden, and partly by the ground of the Ursuline Nuns without their inclosure, on the one side by the road leading from St. John's Gate, along the Ramparts or Fortifications, and by the Parade, and on the other partly by Staniflaus-street, and the houses and walls of the Jesuits' garden, opposite the vacant ground in front of Dauphin's Barracks, to the corner of the inclosure of the Ursuline Convent aforesaid, excepting therefrom the ground on which is erected the Dauphin Barracks, and the unoccupied space in front thereof. Also a piece or parcel of ground situated in the Upper Town of Quebec, consisting of 73 square perches or thereabouts, bounded in front by the street called Garden-street, in the rear by the wall of the inclosure of the Ursuline Nun's Convent, on one side by the square in front by the Ursuline's Church on a line running 17 feet, and on the other side partly by St. Ann-street, on a line running 27 feet, and partly by the rear of lots belonging to the Widow Seguin, Pierre Vincent, and Charles Pinguet. Also a lot or piece of land situate in the suburbs of Quebec, outside Palace Gate, consisting of 58 square perches or thereabouts, bounded in front by St. Nicholas-street, as far as the house of Dellignets at one side of the said street, running in another direction as far as the house of Madame Larche, in the rear run-

ning along the front of the Storekeeper General's stores, and at the other side by the square in the middle of which, the Batteau Guard house stands. Also three concessions or lots of ground in the Upper Town of Quebec, by the Church Wardens of the Parish of Quebec, to the Reverend Fathers of the Company of Jesus, consisting of five lots."

Thus, these lands, and *all* the books, furniture, carriages, money, &c., belonging to the Jesuits in the District of Quebec, were seized by the Crown in 1800. This document describes the portion of the Jesuits' Estates in that district, with the minuteness almost of a deed. It should be borne in mind, however, that only about one-fifth of the lands connected with these Estates, is in this district, though this seems the most valuable portion of the property, in proportion to its extent, for in the year ending Sep., 1832, almost one half of the revenue of the Estates came from the portions described by the King in the above writ of seizure. The Seigniories not named or described in this document, are the Seigniory of Batiscan, De Magdelaine, Laprairie, and at Three Rivers. These portions of the Estates have been already named in the report of the Commission, and also other property in Montreal.

Batiscan is on the St. Lawrence, in the County of St. Maurice. It is about six miles broad and 60 deep. It was granted to the Jesuits in 1639. Lying on the River Batiscan, as well as on the St. Lawrence, much of the soil is excellent, affording large tracts, capable of producing all kinds of grain. A large part of it is cultivated. The uncultivated portions of it are covered with excellent timber. Three grist mills and a

saw mill, on this Seigniory, rent for about \$200 or \$250 per annum. Cap de Magdelaine, in the same County, on the River St. Maurice, is also six miles broad and 60 miles deep. It was granted to the Jesuits in 1651. A considerable part of this Seigniory is under cultivation.—These Seigniories are in the District of Three Rivers. Laprairie de la Magdelaine, situated in the District of Montreal, in the County of Huntingdon, and on the South side of the River St. Lawrence, is six miles broad by 12 deep. It was granted to the Jesuits in 1647. Bouchette says, "The whole of this grant is a fine level of rich and most excellent soil, where are some of the best pasture and meadow lands to be found in the whole District, that always yield the most abundant crops of excellent hay. The arable part is also of a superior class, producing a rich harvest."

The principal plots at Three Rivers, are—Coteau St. Louis, a lot of 35 arpents in superficies, and the Fief Freviny, 23 arpents in front, and five in depth, and a tract of 35,000 in superficies, —rented for about \$300 per annum. There are other small pieces, besides the Estate in Montreal.

The whole amount of the Jesuits' lands is 616,500 acres: 48,000 in the District of Montreal; 439,000 in the District of Three Rivers; and 129,500 in the District of Quebec. The manner in which this property is cut up into small portions may be judged from the fact that in 1832, in the District of Quebec, rent was due from 60 or 70 occupants. The value of these Estates is not known. The writer was informed, in October, 1849, by Mr. Fortier, the Commissioner of the Jesuits' Estates, that their

value had never been estimated. Notwithstanding the opinion of the Commissioner, the writer, in view of the extent, variety, and quality of this property, as its value is disclosed by Parliamentary papers, presumes to express the opinion that it may amount to \$2,000,000 or \$3,000,000, or more, in value.

CHAPTER III.

THE REVENUE OF THIS PROPERTY, AND THE USE TO WHICH IT WAS PUT, PARTICULARLY FROM 1800 TO 1832.

THERE are no means of ascertaining the amount of the annual revenue of this property, while it was in possession of the Jesuits. Whatever it was, it was expended upon Quebec College, and Bishop Hubert says it was adequate to the wants of that institution. It seems, however, to have been more than sufficient for that purpose, from statements made in the report of the Commission of 1787: for that document shews that from time to time money was saved to add to the Estates, by occasional small purchases. Whatever the annual income may have been, it was faithfully devoted to the object for which it was given, granted, and amortized,—the education of the Canadian and Indian youth, and the propagation of the Roman Catholic religion. The Commissioners, after saying that the Estates of the Jesuits “were given to them on condition that they would employ themselves in instructing the Indians and the young French Canadians,” adds, “The Jesuits acquitted themselves so well of those two obligations, that they merited that Louis XIV., of glorious memory, should, by his magnificent diploma,

renew and ratify in their favor, all their Estates and all those gifts to them made." And in 1789, J. F. Hubert, Bishop of Quebec, said, in a letter addressed to Chief Justice Smith, "I acknowledge the meritorious services of the Reverend Fathers, the Jesuits, and the zeal with which they have labored in this Colony for the instruction and salvation of souls." In 1763, the date of the cession of Canada to England, this property passed from the possession of the Jesuits, and became, by virtue of the conquest, the property of the British Crown, but the King of England did not take formal and legal possession of it until 1800, a period of 37 years. In the history of these Estates, the exact amount and the disposal of the revenue, during that period, are a blank, which no living man can fill. It was, doubtless, regarded as common plunder, which the Government had a right to dispose of, or use as convenience, or cupidity, might suggest. Seventeen years after the conquest, the Commissioners, while they found satisfactory evidence that none of the property had been alienated since the conquest, stated, "The purposes to which the revenue has been put, are known neither to the Commissioners nor the public." As will be seen, this statement might have been made 13 years later—*i.e.*, in 1800. It so happens, however, that data exists which may enable us to ascertain, with some degree of accuracy, the amount of this revenue during this 37 years. It is ascertained from Parliamentary papers, that the nett revenue of these Estates in 1787, was \$4,837, and in 1790, 3 years later, it was \$4,830, only 7 dollars less.—Ten years later, in 1800, it was \$5,459, or \$629 more than it was in 1790. Ten years later still, in 1810, it was

\$7,608. The average of the revenue for these three years, taken at periods about equally distant from each other, is \$5,965. Supposing this to have been the annual average for 37 years, *i.e.* to 1801, and the result is \$220,705, which passed into the hands of the Government, and was devoted to unknown purposes. Making no account of the interest on this sum, had it been invested as it accrued,—but on the supposition that it had been invested in 1800, and been at lawful interest to 1850, there would have been in bank, for educational purposes, \$882,820. A very convenient sum for the necessities of education in 1850. It would furnish the \$200,000 now *voted* to common schools, annually, to July 1, 1854, and if kept at interest until expended, it would do it until Jan. 1, 1855. But where is this great amount of the probable revenue of the Jesuits' Estates? In the name of the hundred associates, who gave much of the Jesuits' Estates for purposes of education and religion, and of the King of France, who amortized them with the same intention, and of the reputedly excellent the Rev. Father P. Cazot, the last of the Jesuits in Canada, I ask, where? The dead alone could tell. From Parliamentary papers, I am able to give the annual revenue and expenditure of the Jesuits' Estates, from 1800 to 1831, inclusive, *i.e.*, to the period of the legal enactments, appropriating them to education. The dates are from Oct. 1 to Oct. 1, of each year. In the reduction of pounds, shillings, and pence to dollars, for convenience the fractions are omitted :—

1800.	Receipts.....	\$5,323	Expenses.....	\$260
1801.	"	2,835	"	400
1802.	"	4,592		
1803.	"	4,555		
1804.	"	3,977		
1805.	"	5,050		
1806.	"	3,883		
1807.	"	3,868		
1808.	"	5,452		
1809.	"	6,229		
1810.	"	7,075		
1811.	"	8,104	"	2,446
paid Commissary General \$1,846.				
1812.	Receipts \$9,056.	Expenses \$6,674.	Unknown	
	objects \$6,074.			
1813.	Receipts \$7,666.	Expenses \$8,924.	Unknown	
	objects \$8,324.			
1814.	Receipts \$9,450.	Expenses \$9,641.	Unknown	
	objects \$8,242.			
1815.	Receipts \$7,391.	Expenses \$1,400.		
1817.	Receipts \$7,677.	Expenses \$5,316.	Royal Gram-	
	mar School, Quebec, \$1,405.	Do Montreal, \$1,247.		
	Do Kingston, \$1,247.	Total, education, \$4,000.		
1818.	Receipts \$5,334.	Expenses \$31,559, of which \$1,462		
	were for management.	\$26,060 Episcopal St. An-		
	drew's Church, Quebec.	\$1,129 to the Royal Gram-		
	mar School, Quebec.	\$889 do, Montreal.		
	\$889 do, Kingston.	Total, education, \$2,907.		
1819.	Receipts \$3,834.	Expenses \$8,109.	Unknown objects	
	\$4,219.	Management \$958.	Grammar School,	
	Quebec, \$1,129.	Do Montreal, \$115.	Do Kingston,	
	\$889.	Total, education, \$2,933.		
1820.	Receipts \$1,267.	Expenses \$10,668.	Management	
	\$1,131.	Protestant Episcopal Church at Ambigney		
	\$400.	Do at Sorel, \$800.	Do at Montreal, \$4,000.	
	Total, churches, \$5,200.	Royal Grammar Schools,		
	Quebec, \$1,129.	Montreal, \$1,129.	Kingston,	
	\$889.	Total, education, \$3,147.	M'Gill College,	
	\$800.			
1821.	Receipts \$2,703.	Expenses \$15,895, of which for		
	Management, \$2,635.	Rents due, \$3,693.	Re-	
	pairs, \$3,839.	English Protestant Church, Cham-		
	bly, \$800.	Do Sorel, \$400.	Episcopalians, St.	
	Andrew's, Quebec, \$1,121.	Total, for churches,		
	\$2,321.	Royal Grammar School, Quebec, \$1,181.		
	Montreal, \$1,121.	Kingston, \$889.	Royal Insti-	
	tution, \$209.	Total, education, \$3,400.		
1822.	Receipts \$6,019.	Expenses \$9,431, of which for		
	Management, \$2,582.	Rents, \$360.	Repairs,	
	\$2,019.	St. Andrew's Church, Quebec, \$61.	Royal	
	Institution, \$911.	Royal Grammar Schools, Quebec,		

- \$1,480. Montreal, \$1,129. Kingston, \$889.
Total, education, \$4,491.
1823. Receipts \$6,020. Expenses \$9,431, of which for Management, \$2,633. Rents, \$720. Repairs, \$1,000. St. Andrew's Church, Quebec, \$600. Church at Three Rivers, \$800. Total, \$1,400. Royal Institution, \$111. Royal Grammar Schools, Quebec, \$1,369. Montreal, \$1,129. Kingston, \$889. Total, education, \$3,498. M'Gill College, \$1,200.
1824. Receipts \$2,543. Expenses \$10,156, of which for Management, \$3,282. Rents, \$720. Repairs, \$936. St. Andrew's Church, Quebec, \$600. Church at Nicolet, \$400. Church at Hull, \$400. Total, churches, \$1,400. Royal Institution, \$111. Royal Grammar Schools, Quebec, \$1,369. Montreal, \$1,129. Kingston, \$888. Total, education, \$3,498. M'Gill College, \$320.
1825. Receipts \$7,943. Expenses \$4,954, of which for Management, \$1,620. Rent, \$705. Royal Institution, \$135. Royal Grammar Schools, Quebec, \$680. Montreal, \$564. Kingston, \$444. Total, education, \$1,823. M'Gill College, \$800.
1826. Receipts \$3,728. Expenses \$3,188, of which for Management, \$1,380. Royal Institution, \$200. Royal Grammar Schools, Quebec, \$1,609. Total, education, \$1,809. Pensions, \$200. Church at Hull, \$600.
1827. Receipts \$7,586. Expenses \$9,292, of which for Management, \$2,261. Royal Institution, \$271. Royal Grammar Schools, Quebec, \$1,369. Montreal, \$2,258. Kingston, \$1,333. Total, education, \$5,231.
1828. Receipts, \$12,818. Expenses, \$5,479, of which for Management, \$1,740. Pensions, \$800. Mills, \$410. Repairs, \$410. Royal Institution, \$271. Royal Grammar Schools, Quebec, \$1,129. Montreal, \$1,129. Total, education, \$2,529.
1829. Receipts, \$6,745. Expenses, \$13,034, of which for Management, \$1,164. Pensions, \$1,288. Mills, \$4,344. Royal Institution, \$275. Royal Grammar Schools, Quebec, \$1,289. Total, education, \$2,768. Chaplains, \$2,960.
1830. Receipts, \$7,413. Expenses, \$11,134, of which for Management, \$2,575. Pensions, \$500. Mills, \$4,382. Repairs, \$4,382. Royal Institution, \$261. Royal Grammar Schools, Quebec, \$1,269. Montreal, \$1,129. Total, education, \$2,689. Chaplains, \$889.
1831. Receipts, \$15,420. Expenses, \$9,963, of which for Management, \$2,561. Mills, \$2,000. Repairs,

\$2,000. Royal Institution, \$2,004. Royal Grammar Schools, Quebec, \$1,289. Montreal, \$1,129. Kingston, \$1,481. Total, education, \$4,903. Chaplains, \$500.

The total amount of receipts from 1800 to 1831, inclusive, was \$198,335, and of expenditure, \$190,977, leaving a balance of \$7,358. Add to this amount \$25,282 refunded by the Commissary General, and there is in Treasury \$32,640. The management of the Estate, or the expense of Inspectors, Treasurers, and Commissioners, Clerks, Agents, Advocates, and for contingencies, \$34,608, being more than one-sixth of the whole revenue. About one-fourth, or the sum of \$49,556 was expended for education. Of this sum, only \$2,478 were expended on schools supported by the Royal institution. On Royal Grammar Schools, Quebec, \$18,950; Montreal, \$16,033; Kingston, \$10,728; Total, \$45,711. In support of the claim of the M'Gill College, contested by the heirs, \$3,120 were expended. About one-fifth of the entire revenue was given to English Churches, *i. e.* \$39,172,—on repairs, \$18,930; on unknown objects, \$25,287; for unknown services, \$6,998, *i. e.* for purposes unknown, \$32,285; on Pensions, \$2,488; and on Chaplains, \$3,936. Included in the receipts are \$6,199, rents and capitals due. For unknown services \$260 were paid to S. Sewell. The Hon. J. Sewell received \$4,218 to disimburse him so much in going to England in 1814, and returning in 1816. The items for pensions consist of an allowance made to the Hon. H. W. Ryland, and General Ryland, of the half of the salary which they formerly received, the first as Treasurer, and the second as Clerk to the Jesuits' Estates, and of a pension granted to the Miszes De Salaberry. The items for

Chaplain were paid to the Rev. E. Sewel, as minister of the Chapel of the Holy Trinity of Quebec, with arrears from the 27th of November, 1825. The average annual revenue from the Jesuits' Estates, from 1800 to 1832, \$6,398, which is \$1568 more than it was in 1787 and 1790.

Admitting the estimate before made of the annual revenue from this property, from 1763 to 1800, to be an approximation to the truth, (and it is not provable that it may not be,) then it yielded a revenue in a little less than 70 years, of about \$425,000; whereas only about \$45,000 were expended for education, the principal design for which the Estates were created, and to which they were faithfully devoted about 125 years, that is, so long as the Jesuits possessed and controlled them. Being the property of a deceased owner—of an extinct order—property not disposed of by legal enactment, and concerning the wise and best disposal of which there existed various and conflicting opinions, both in England and in Canada, these estates were sadly perverted, and to some extent evidently foolishly squandered. Had they been wisely managed and carefully husbanded, both by the Imperial and Provincial Governments, they might have been made, during the almost 70 years that they were thus perverted, greatly auxiliary to the education of the Colonists.

CHAPTER IV.

ALIENATION OF THE PROPERTY, PERVERSION OF THE REVENUE, &c.

THE intelligent reader must have inquired as our preceding details have come before him, for the reason of the slow and limited increase of this revenue during so long a time. The answer is to be found not so much in the quality of the property itself, or its incapability for productiveness, as in its management. The fact that its present annual income is about three times its amount 20 years since, shows that it might have been vastly more productive than it has been. If a man has raised from the same farm in 1849, 1000 bushels of grain, he has evidence that it may have been attributable either to his own sloth or inefficiency that he gathered only 500 bushels in 1825. Not the soil but the cultivation was in fault.—Parliamentary papers shed light upon this enquiry. The most valuable portion of these Estates has never been made to yield a farthing to the Treasury of the Commissioners. The standing Committee on these Estates, in 1835, made a thorough investigation and research into this matter, examining documents, and numerous witnesses, embracing surveyors, agents, commissioners, occupants, and all persons supposed to be in possession of the

information sought. The report of their proceedings, covering more than 50 pages folio, is registered in the Appendix of the 14th Volume of the Journals of the House of Assembly of Lower Canada, second session of the Provincial Parliament, 6 William IV. The Committee first reported relative to Quebec College, the old institution of the Jesuits. They say, "in conformity with the instruction of your Honorable House of the 17th Nov. last, 'To ascertain the actual value of the College of the late order of the Jesuits, and the ground attached to it, and also the annual revenue, which might now be derived from the said College and ground, and the average annual revenue, which might have been derived from the same, during each period of ten years between the present time and that at which they were first taken possession of by the Military authorities,' your Committee considered it their duty to establish, 1st, The present value of the Jesuits' College and the ground thereunto attached; the annual revenue which they might yield to the Province, used as they are at present, and the annual revenue which they might have yielded since their occupation by the Military authorities. 2nd, The value of the said College and ground, after making such alterations and improvements therein as they may be susceptible of, and the annual revenue which they might yield in such a case."

The College was estimated in the depressed state of business in Quebec, in 1835, at only \$20,000, (its cost must have been \$100,000 or \$150,000,) and the site and adjacent grounds 250,000 French feet, at \$120,000, making a total of \$140,000. The Committee stated that this property should have yielded lawful interest, which was \$8,400, which amounted for 35 years

to \$294,000. Sum total, principal and interest, \$434,000. As the Imperial Government had had this property free of expense, or had paid nothing for it, here was a loss to the Estate of this large sum. According to the showing of the Committee, this property ought to have yielded an annual revenue, \$2,000 larger, per annum, than was the annual average of the revenue of all the other parts of the estate from 1800 to 1831 inclusive. They stated, moreover, that the College grounds, and the building used as a store for the Barracks, a building belonging to the Estates, might be so improved as to yield an annual revenue of \$14,000. They therefore recommended that new buildings should be erected for the Barracks, which would cost only \$40,000, and that this property should be restored to its original design, agreeably to the act of 1831, which will be noticed hereafter. Why this judicious, economical, and just recommendation was not complied with, is a matter not easily explained. For, as the reader will hereafter see, the act of 1831 set apart all these Estates and their revenue, exclusively to education. With what consistency or equity could the Imperial Government, in the face of Legislative enactment, appropriate the most valuable part of this property, situated in the centre of Quebec,—property which, on the showing of the Committee, might have been so improved, as to have yielded an annual revenue of \$14,000, more than double the average annual revenue of all the remainder of the property, to 1835, without granting an equivalent to the object to which, by legal enactment, all these Estates had been set apart. On the supposition that the College and adjacent property might have been so improved as to have yielded, for the last 16 years, or since 1835, an annual re-

venue of \$14,000, a fact alleged by the Committee; here is another loss of \$210,000 to the Estates, or to education. But in the opinion of the writer, the whole truth is not seen yet. It is a well known fact, a fact sustained by every historian of Canada, by Parliamentary papers, by a letter of the Bishop of Quebec, dated 1792, and by universal tradition, that the Imperial Government stopped the College in 1764, by taking possession of the buildings and adjacent grounds for the King's troops, or by converting them into barracks. To this no counter, or contradictory statement can be furnished by written or traditionary testimony. It appears, therefore, that the Imperial Government has possessed property valued by the committee at \$140,000, whose annual interest, at 6 per cent., was \$8,400, from 1764 to 1850, 86 years, without paying a dollar to the Estates for it. Multiply the annual interest, \$8,400, by 86, the number of years that this property has been occupied by the troops, and the product is \$722,406. Is not here a most extraordinary perversion of funds, amortized to education early in the 17th century, and set apart exclusively to this purpose in 1831, with an acknowledgment, as the reader will hereafter discover, that these Estates should ever have been devoted to education? Have not these Estates an equitable claim upon the Imperial Government for this amount of money? If it was right to restore any of them to their original design, why has this part of them been withheld, especially since 1831, the time of the action both of the Imperial and Provincial Government, setting this property apart exclusively to education? The Government being only a Trustee of these Estates, given, granted, and amortized for a specific purpose—the education of the youth of

Canada—it was under a sacred and an imperative obligation to have devoted them exclusively to this purpose. If this was true of the future, in 1831, it was no less true of the past, back to the year 1764.

Again, if the College and adjacent grounds might have been so improved in 1835, in the depressed state of business at that time in Quebec, as to have yielded an annual revenue of \$14,000, why might they not have been made equally productive as early as 1764? If this be true, then the Government is responsible for not making this portion of the Estates yield \$14,000 a year for 86 years. On this supposition, the Estates have a claim on Government for \$1,204,000, the amount which Quebec College and the adjacent property might have been made to produce during that period. Nor is this all. The annual average revenue, as the reader has before seen, from 1763 to 1800, 37 years, was probably \$5,965. Here we have \$220,705 more, for a dollar of which the Government never accounted. It has been shown that the revenue of 1800 and 1831 inclusive, was \$198,335, only \$45,711 of which was devoted to education. Here we have \$152,624 more, perverted from its original design. The aggregate of these several sums is more than one and a half million dollars, or \$1,571,364. But I forbear.

The following facts furnish clear proof that these Estates must have sustained great loss by improvident and unfaithful management. The Committee in their investigations, found a great variety of proof of very bad and improvident management of these Estates. A Commissioner was found without either Rent Rolls, Land Rolls, or Rent Book. One agent, having extensive claims for rent, had lost his Rent Book. A

great amount of rents, of years standing, remained unpaid, \$20,000 or \$25,000, in favor of a single Seignior. When delinquents had been prosecuted for non-payment, and judgment had been obtained against them, the principal only, without the interest, was awarded. Men had been allowed to settle and build upon the lands, (20 instances on one Seignior,) without permission or authority. Men had, in some instances, been suffered to cut timber on the Seigniories at Three Rivers, not only for the fire of the forges of St. Maurice, but for the saw-mill and the market. In one instance, 30,000 acres of the Seignior Prairie de la Magdelaine, had been leased for 10 years for \$300 a year, and the lessees were cutting off the hard wood timber to support the fire of the forges. This disclosure may be examined in detail in the Parliamentary Appendix of 1836. Letter XX.

Parts of the Jesuits' Estates occupied for public purposes, since they came into possession of the Crown.

In the City of Quebec.—The College is occupied as a Barrack and drill ground. The ground on which the church formerly stood is occupied for a Hay Market. An irregular spot of ground near the Gaol, is occupied by the Fire Society for an Engine house. A lot on Rampart Street, granted to the Congregation of Notre Dame, under Letters Patent, dated Nov. 19, 1817. Another lot on the same street, granted to the National School under Letters Patent, July 5, 1830. Another in the Vacherie, on which is erected the Marine Hospital. Another lot in Vacherie, in the possession of the Trustees of the St Roch Church. The two last lots mentioned, comprise the space

lying between Panet street and the old Dorchester Bridge, and contain about three arpents. Another lot in the Vacherie, containing 30.34½ superficial feet, in possession of the Episcopal Church. Another lot in the Vacherie, reserved for a public Market place.

In the Town of Three Rivers.—A large space occupied for Barracks and a Market place.

In the City of Montreal.—The whole of the property, except three small lots, was in 1831 occupied for a Court House and Gaol.

In the village of Laprairie.—Two lots containing one arpent each, occupied for a Protestant Church and burying ground. Before 1831, the following lots and farms had been sold and alienated after it came into possession of the Crown. Pieces of ground about in the rear of the Barracks, sold for \$7,500. A farm near Dorchester Bridge for \$6,000. Three pieces in Vacherie for \$5,200. A farm of Notre Dame des Agnes, sold for \$8,800. Another piece in Vacherie for \$1,821. In Sillery about 150 or 160 acres for \$15,890. A Mill site on the River Batiscan for \$600. And other lands in the Vacherie were sold for \$8,519. Amount of sales, \$45,586. All this sum, except \$5,506, was due in 1832. These facts were communicated by J. Stewart, in 1832, and are found in the Journals of the House for that year. They indicate the course the Estates were taking while they were common property.

During the 70 years that the ultimate disposal of these Estates was a matter of discussion, of doubt and conflicting opinions, both in England and in Canada, various expedients were devised by parties, and by individuals, both in the Colony and in Britain, to acquire portions of them.

The people of Three Rivers petitioned for the Grant of the Seigniori of St. Maurice, and Lord Amherst, about 1785, petitioned George III. for a principal part of them as a private possession. The appointment of the Commission, 1787, noticed before, was in pursuance of the intention of the King to grant this nobleman's request. But for some reason he failed to do this, and wiser counsels secured a more equitable result. The action on this matter will be the principal topic of the next chapter.

For the purpose of giving the public a more distinct idea of the Seigniories, and of other productive property composing these Estates, and of their relative value and income, I will give the statement of J. Stewart, of the revenue for two years :—

Statement of the Revenue from Oct. 1, 1833, to Sep. 30, 1834.

	<i>Receipts.</i>	<i>Expenses.</i>	<i>Revenue.</i>
Seigniori of Sillery.....	\$1,524 84	\$384 81	\$1,178 02
“ St. Gabriel.....	956 20	53 07	803 13
“ Belair.....	102 36	15 86	86 50
“ Notre Dame des Anges.....	1,034 36	118 44	915 92
La Vacherie.....	542 53	64 66	477 85
Town of Quebec.....	42 91	6 61	36 29
Point Levi and St. Nicholas.....	50 00	69 00	00 00
Seigniori of Batiscan.....	1,129 50	455 27	674 23
“ Cap Magdelaine....	501 75	84 00	417 75
Town of Three Rivers.....	343 75	74 35	269 40
Seigniori of Laprairie.....	1,902 67	671 00	1,231 67
Total.....	8,130 87	1,961 00	6,168 77
Expense of management, one-fourth of the gross receipts.			

Statement of the Revenue from Oct. 1, 1844, to Sep. 30, 1845.

	<i>Receipts.</i>	<i>Expenses.</i>	<i>Revenue.</i>
Seigniori of Sillery.....	\$5,681 53	\$559 80	\$4,121 73
“ St. Gabriel.....	1,175 20	143 72	1,031 48
“ Belair.....	41 46	4 14	37 32
“ Notre Dame des Anges.....	1,776 74	187 00	1,589 74
La Vacherie.....	983 73	105 00	778 73
Town of Quebec.....	365 32	39 76	325 56

Point
Seign
Cap d
Three
Seign

Ex
It ma
1831

	<i>Receipts.</i>	<i>Expenses.</i>	<i>Revenue.</i>
Point Levi and St. Nicholas..	\$80 13	\$8 01	\$72 12
Seigniory of Batiscan.....	1,652 40	726 50	925 90
Cap de Magdelaine.....	654 30	169 62	448 68
Three Rivers.....	100 00	22 80	77 20
Seigniory of Laprairie.....	1,372 82	200 46	1,177 36
Total	13,583 63	2,168 81	11,416, 82

Expense of management, about one-fifth of the gross income.
 It may be recollected that the cost of management for 1800 and 1831 inclusive, was about one-sixth of the gross revenue.

1834.
Revenue.
 178 02
 803 13
 86 50
 915 92
 477 85
 36 20
 00 00
 674 23
 417 75
 269 40
 231 67

168 77
 .

1845.
Revenue.
 121 73
 031 48
 37 32
 589 74
 778 73
 325 56

CHAPTER V.

MEASURES PREPARATORY TO THE RESTORATION TO THEIR ORIGINAL DESIGN, AND LEGISLATIVE ACTION, APPROPRIATING THE REVENUE EXCLUSIVELY TO EDUCATION.

It appears to have been generally and well understood throughout Canada, that these Estates were granted and amortized for the education of the youth of the Colony. The views and sentiments of the Colonists, on this subject, may be learnt from the documents, and action, communicated in this chapter. At the first session of the newly constituted Legislature, in Lower Canada, in 1792, a petition signed wholly, or almost wholly, by the inhabitants of the Province of British origin, was presented to the House of Assembly from the city and County of Quebec, praying that body to consider the state of Provincial Education, and to use means for placing the property of the late order of the Jesuits, at the disposal of the Provincial Legislature, and applying it to its original destination, which was alleged to be the support of Colleges and Seminaries for the education of the Natives of Canada. The petition is subjoined, and is as follows:—

"To the Honorable the Knights, Citizens, and Burgesses, in General Assembly convened:—We, the subscribers, heads of

families, and inhabitants of the city and County of Quebec, congratulating ourselves on the first happy Assembly of the Representatives of the Province of Lower Canada, do not entertain the least doubt but that this Honorable House is acquainted with the present, and will sufficiently provide for the future wants of the country, especially for the deplorable state of education of youth for upwards of thirty years past, though a College has been erected in the middle of this city, a house in the city of Montreal, with lands and revenue thereto annexed, for the education of every individual, born in or inhabiting this country :—While we entertain the flattering hope of seeing, in a short time, through the enlightened and watchful attention of this Honorable House, the happy effects of our new Constitution, and of well-regulated liberty, which forms its basis, nothing at this time can afford a more solid ground to your Petitioners' expectation, than the friendly communication given many years ago by the Jesuits of Quebec to the citizens, of all the titles of their College. By these titles it evidently appears, that they hold and enjoy their Estates, in trust, from the first ancestors of the Canadians, called the 100 Associates, who were possessed thereof, and gave them over to the Jesuits upon certain conditions,—That the tract, or lot of six superficial arpents, reduced from the 12 arpents first conceded, in the Upper Town of Quebec, where the Church and College are erected, was given, but on condition of maintaining the institutions and perpetual vow of the Jesuits, the education of youth, in order to build a College wherein the youth of Canada should be educated, and they could not by reason of their vow of evangelical personal poverty, hold any Estates, unless with the title of College, established in behalf of the youth of the country *ad studendum et orandum* ; and the King, after the cession of Canada, made to him by the Company of New France, confirmed and amortized all those Estates, on which he relinquished all his rights, by a diploma, only for the purpose of affording the means of education to the youth of this Country. That the Seigniories were given by the same Citizens, namely, Charlesbourg, to educate and teach, as well as for the assistance of the people of the country ; that Seigniory, among others, was likewise forever amortized for the same purpose, and for the establishment of a College. That the franc aleu on the River St. Charles, called Lavacherie, near Quebec, was granted to them for the six arpents taken off the twelve appropriated for the College, and by the same motives and views mentioned in the titles of Charlesbourg. It was likewise passed into mortmain, or amortized, and annexed to the Colleges. That the two Lorettes, or Seigniories of St. Gabriel, were given by the then Seigneur of Beauport, only out of friendship, but when amortized, they were explained to be a gift in favor of that College. That Sillery, towards Cap Rouge, was granted for the spiritual and temporal assistance of the people of this country. That the Cap de Magdelaine, near Three Rivers, was given by one of the 100 Associates only to procure the establishment of the College, and afford the Jesuits means of subsistence ; but the Je-

suits having laid out upon that Estate the savings of the Quebec College, in consequence of their apprehensions of being distributed for want of a better explication, the then intendant of the Colony, confirmed that gift only in favor and behalf of the College of Quebec. That, in fine, the King did amortize and relinquish the possession of the said Estates for the College only. That Batis-can, given by the same for the love of God, was explained by the same intendant, in consequence of the just apprehensions of the Jesuits, on account of the disbursements made with the savings of the College, but in favor of the College of Quebec, to which it was also annexed by the King. That Laprairie de la Magdeleine, in the District of Montreal, also granted on account of the assistance which the inhabitants of Canada receive from the Jesuits, and also, by reason of the disbursements made out of the savings of the College of Quebec, in consequence of some murmurs of the inhabitants, and the apprehension of the Jesuits of being troubled for want of explication, the intendant of the King of France, at their request, confirmed that Seigniority only in favor of the College of Quebec. In short, the general and final explication by the King amortized that Seigniority and other Estates, described in the Letters Patent, only in consideration of the College of Quebec. That the ground on which are built the Church and House of Mission of Montreal, was purchased *en coture*, by the superior of the Jesuits, and the master of the College of Quebec, and approved by the Seminary, legally established in the Island of Montreal, and sole Seigneur of said Island, which Estate was amortized by the King, and appropriated to the education of youth. That this Mission was established in 1692, solely by the economy of the College of Quebec, which alone could hold this Estate, under the title of a College, sending into Mission according to their institution, Petition, and Ordinances above mentioned. Many lots in Three Rivers and the City of Quebec, and some other lots of ground were purchased only by the savings of the College. That the Sault St. Louis, near Montreal, was granted to the Jesuits by the Iroquois, and it was with justice that the Iroquois obtained, after the conquest, the restitution of that Estate. The Petitioners conclude by representing, that since the exhibition, the Jesuits of Canada have generously offered, and still persist in offering to this Province, to restore the possessor of all the grounds and funds of this College, for the use of the portion of the people to which they belong, and only desire a subsistence; but such restitution has been retarded and impeded by many difficulties. That the nature of those titles, and the foundation of the College, have certainly been misrepresented in Europe, and by those means this Province has been deprived of public education since the conquest, although it has been encouraged in every other part of the British Empire. That this misfortune is to be attributed only to the endeavors of a few individuals, who have strongly solicited of His Majesty the gift or concession of those Estates under various pretexts, but happily without effect, before the sanction of the New Constitution.

That your Petitioners are convinced that his most gracious Majesty, by his Royal instructions, was ever desirous of being well-informed of those titles, and to reserve of all those funds whatever might be requisite for the public education, without prejudice either to the causes or effects that such an establishment had in view. Wherefore the Petitioners hope, that this Honorable House will consider that the Estates of the Jesuits have been improved only by the labor, courage and industry of the inhabitants of this country, in the hopes of educating their posterity, and that these Estates, though sufficient, do not exceed all necessary expenses to afford a public education, properly organized, and on a liberal plan, for which purposes they were granted; and therefore, justly claim the same with the respect to this Honorable House."

Quebec, 4th Feb., 1793.

This document, found at letter Y. in the Appendix to the 23rd Volume of the Journal of the House of Assembly of the Province of Lower Canada, 5 Geo. IV., is sustained in all its positions, by the paper upon which it is based, viz., the Report of the Commission of 1787, given in the first chapter. An address to his late Majesty George the Third, upon the foregoing Petition, and embodying its substance, was unanimously adopted by the Assembly, on the 11th April, 1793, and transmitted to be laid at the foot of the Throne, but no answer thereto was received from the Crown. In the year 1800, as I stated in the second chapter, the Executive Government of the Province went into possession of the whole of the Jesuits' Estates, whereof an enumeration has been given, which had been amortized by the Royal instructions, and a part of which had been permitted to remain in the possession of two or three of the surviving Jesuits, until the death of the last of the order, which occurred that year. The Royal instructions to the Governor General on this point, bear date 1774, and are as follows:—

"That the society of the Jesuits should be suppressed and dissolved, and no longer continue a body corporate and politic, and that all their rights, privileges, and property, should be vested in the Crown, for such purposes as the Crown might hereafter think fit to direct and appoint, and the Royal intention was further declared to be that the present members of the said society, as established at Quebec, should be allowed sufficient stipends and provisions during their natural lives."

In the same year, that is 1800, the subject of the Jesuits' Estates having occupied the attention of the House of Assembly, an address to His Excellency was adopted, "Praying for certain documents to facilitate the investigations and claims of the Province, on the Jesuits' College converted into Barracks, and to the Estates of that order originally granted by the King of France for the purpose of Educating the natives of the country." The reply of His Excellency stated, "that in consequence of the address of the House of Assembly, on the 11th of April, 1793, the claims of the Province had been considered by his Majesty in Council, and that the result of that consideration had been an order to take possession of those Estates for the Crown." (This order was given in the second chapter.) "That if after this explanation, the House should deem it advisable to investigate, they should have access to the documents required; but any further application on the subject might be inconsistent with the accustomed respect of the House of Assembly for the decision of his Majesty, on matters connected with his prerogative." The House, in consequence of this answer, passed the order of the day, and for some time dropped the subject.

On the 21st of January, 1824, a petition from the inhabitants of Quebec was presented to the House of Assembly, praying for more enlightened and efficient Legislative action to promote

El
re
ad
sta
Es
the
bly
the
Th
As
be
ma
de
the
the
cat
of
ag
sup
ap
mi
sta
ing
sub
in
Co
her
oug
an
pra
cau
tion
ven
Jes
I
sen
and
Co

Elementary Education. An extremely elaborate report of a special Committee of the House was adopted on the 25th of February, 1825, the substance of the report refers almost entirely to the Estates, which had belonged to the late order of the Jesuits, and concludes by urging the Assembly to renew their claims for the application of those Estates to the promotion of Education. This report is to be found in the Journals of the Assembly of that year, that is, in the Appendix before named. In it will be found all the information that can be desired upon this head. It declares that the diversion of these Estates from their original use and destination, was among the main causes of retarding the progress of Education in Canada. It gives a condensed history of the legal proceedings, adopted in France against the order of the Jesuits previous to its suppression in 1762, and showed the continued application of their funds to the Colleges and Seminaries of the order in that country, notwithstanding its suppression. It details the proceedings of the Provincial Legislature respecting this subject to the time of the report, and concludes in the following terms :—" Upon the whole, your Committee is of the opinion, that the proceedings heretofore had in this House upon this subject, ought to be renewed ; and in consequence that an humble address be presented to His Majesty, praying that he will be graciously pleased to cause to be applied to the promotion of Education in the Province, the buildings, lands and revenues heretofore belonging to the late order of Jesuits."

In the following year, 1825, the House of Assembly renewed the consideration of this subject, and concurred in the report of another special Committee appointed " to inquire, among other

things, into the best means of applying the Estates of the late order of the Jesuits in this Province, according to their original destination."—
This Committee passed the following resolution :

"That an humble address ought to be presented to His Majesty, praying that His Majesty would be pleased to order that the Estates of the late order of the Jesuits in this Province, be applied according to their primitive destination for the Education of the youth of the country, and to that end placed at the disposal of the Legislature."

An address founded on the foregoing address and resolution was adopted and transmitted to England. The address sets forth :—

"That in the earliest infancy of this Colony, some benevolent individuals founded and endowed a few institutions for the instruction of youth ; and the Government hastened to second their generous endeavors, by giving a permanent existence to those useful establishments, especially to the College at Quebec, possessed by the Jesuits, to which extensive real Estates were annexed, on the express condition of instructing the youth of the country ; a condition which the Jesuits scrupulously fulfilled as long as they existed in the Colony, in which their College was the principal institution for education until 1764. But that since their extinction the College and the Estates thereon depending, have remained in the hands of your Majesty's Government ; and that your faithful subjects of this Province are thus deprived of the cherished rights, which they had acquired therein of obtaining for their children the signal benefits of a free school education.

"We most respectfully pray Your Majesty will be pleased to consider, that the College of Quebec, and the Estates thereunto annexed, have never belonged to the Jesuits as their property, but that they were merely depositories thereof for the purposes of the education of the youth of the Province.

"That the suppression of the Order could not carry with it the extinction of our right to those Estates, and that in the several countries of Europe, the Colleges of the Jesuits have continued to exist, notwithstanding their expulsion, that event not having had power to convey to the Government more rights in the Estates administered by that Society than were invested in the Society itself.

"That the rapid increase of the population of this Province, under the influence of Your Majesty's liberal and beneficent government, would require a proportionate enlargement of the

means of public instruction, but that by the suppression of the College of Quebec, your faithful subjects have seen with inexpressible pain the principal, and at that time almost the sole source of public instruction in this Province, entirely dried up, and that Your Majesty's faithful subjects are in that respect in a situation truly lamentable.

"In these trying circumstances, your dutiful Commons of Lower Canada humbly have recourse to Your Majesty, inasmuch as the College of the late order of Jesuits, and the Estates thereon depending in this country, whose inhabitants, for the most part, have not the means of defraying the expense of the education of their children in private Seminaries or schools, we humbly beseech Your Majesty graciously to be pleased, to order that the above mentioned College, and the Estates thereunto annexed, and destined for the education of the inhabitants of this Colony, may be restored to their original destination, and that they may to that end, be placed at the disposition of the Legislature of this Province. We hope, confidently, that your Majesty will be pleased to accede to our humble prayer, and will vouchsafe that such proof of Your Majesty's justice and paternal solicitude, to which, under Divine Providence, we owe the prosperity and happiness which we enjoy under the powerful protection of your glorious Empire."

"Quebec, 1824."

No answer having been received to this address, this subject was made one of the grounds of grievance laid before His late Majesty, and the Imperial Parliament in 1827, and is thus noticed by the Select Committee of the House of Commons, on the Civil Government of Canada in 1828. "With respect to the Estates of the Jesuits, the Committee lament that they have not more correct information, but it appears to them desirable that the proceeds should be applied to the purpose of general education."

On the 8th of March, 1831, certain resolutions were adopted by the House of the Assembly as the basis of an Address to his late Majesty, upon the political grievances complained of by that body; and among the number is the following:

"That notwithstanding the exertions that have been made in the Education of the people under the encouragement afforded

by the recent acts of the Legislature, the effects of the impediments opposed to its general dissemination, by the diversion of the revenue of the Jesuits' Estates, originally destined for that purpose, materially retard the general prosperity."

An expression of this opinion was communicated to England.

The answer of the Government to this address relative to the Jesuits' Estates, is found in the following extract from a despatch of Lord Gode-
rich, of July 7th, 1831 :

"It is represented that the progress which has been made in the Education of the people of the Province, under the encouragement afforded by the recent acts of the Legislature, has been greatly impeded by the diversion of the revenues of the Jesuits' Estates, originally designed for this purpose. His Majesty's Government do not deny, that the Jesuits' Estates, were, on the dissolution of that order, appropriated to the Education of the people, and readily admit that the revenue, which may result from that property, should be regarded as inviolably and exclusively applicable to that object. It is to be regretted, undoubtedly, that any part of those funds was ever applied to any other purpose. My despatch, dated 24th December last, sufficiently indicates that His Majesty's Ministers had resolved upon strict adherence to that principle several months before the present address was adopted; the only practical question which remains for consideration is, whether the application of those funds, for purposes of Education, should be directed by His Majesty, or by Provincial Legislature. The King cheerfully, without reserve, confides that duty to the Legislature, in the full persuasion, that they will make such a selection amongst the different plans which shall be presented to their notice, as may most effectually advance the interests of religion and sound learning amongst his subjects; and I cannot doubt that the Assembly will see the Justice of continuing to maintain, under the new distribution of these funds, those scholastic establishments to which they are now applied."

Moreover, the King granted his permission, in case Barracks were provided for the Troops in Quebec, that the College and its appurtenances should "be applied to the same purposes as those to which the funds of the Jesuits' Estates are about to be restored."

In 1831 the Assembly passed an Act, 1 Will.

IV., entitled "An Act to make provision for the appropriation of certain moneys arising out of the Estates of the late order of Jesuits, and for other purposes," in the preamble of which the despatch of Lord Goderich to the foregoing effect is recited. The Act provides that all moneys arising out of the Estates of the late Order of Jesuits, should be kept apart, and applied to purposes of education exclusively, in the manner provided by that Act, or by any other Provincial Act to be made. By this Act the proceeds of these Estates, from that time, have been locked up, and must so continue until their application is provided for by Provincial Legislative action.

impedi-
version of
for that

muni-

address
the fol-
Gode-

made in
encou-
as been
Jesuits'
y's Go-
e disso-
people,
um that
y appli-
at any
. My
es that
ence to
es was
consi-
oses of
vincial
es that
I make
be pre-
terests
I can-
ing to
e scho.

n, in
os in
nces
es as
tates

Will.

CHAPTER VI.

THE REVENUE OF 1832 AND 1849, GRANTS FROM IT, THE INVESTED FUNDS, &c.

In the preceding chapter it was stated that the Provincial Parliament of 1831 passed a law which set apart the revenue of these Estates exclusively to education. The law is here given entire.

"Whereas His Excellency, Matthew Lord Aylmer, Knight, Commander of the most Honorable Military Order of the Bath, Governor-in-Chief, was pleased by message, bearing date Nov. 1831, to lay before both Houses of the Provincial Parliament, a despatch by him received from Lord Viscount Goderich, your Majesty's Principal Secretary of State for the Colonial Department, bearing date the 7th of July of the same year, whereby it appears that your Majesty has been graciously pleased to confide without reserve to the Provincial Legislature, the appropriation of the funds arising from the Estates of the late Order of Jesuits to the purpose of education exclusively; and whereas it is expedient to make Legislative provision for carrying your Majesty's gracious intentions in that behalf into effect:—May it therefore, &c., and be it enacted, &c., that from and after the passing of this Act, all moneys arising out of the Estates of the late Order of Jesuits, which now are in, or may, hereafter, come into the hands of the Receiver General of this Province, shall be placed in a separate chest, in the vaults wherein the public moneys are kept, and shall be applied to the purposes of education, exclusively, in the manner provided by this Act, or Acts which may hereafter be passed by the Provincial Legislature in that behalf, and not otherwise."

It will be seen upon an examination of this law, that it merely set apart the Revenue of these

Estates to education, and left the specific appropriation of it, from time to time, to subsequent Parliaments. It made no specific appropriation, but committed the Revenue to a separate chest in the vaults where the public moneys are kept, there to remain and await the disposal of future Legislative action. This is a point to be carefully considered.

As these Estates were created for the support of a College, and as the about \$50,000 expended for education, from 1800 to 1832, was almost exclusively appropriated to the Grammar Schools in Quebec, Montreal and Kingston, and as William the Fourth, when he gave this Revenue up to the disposal of Parliament, expressed a wish that this class of institutions might be aided by it; as an Act of 1846 appropriated it to public institutions in Eastern Canada; it is, obviously, designed for these educational institutions and for them alone. The class of institutions aided by it may be seen by turning to the 59th chapter of Provincial Statutes 9th of Victoria, page 929, or to the Civil List of 1849, in the *Montreal Herald*. The \$200,000 appropriated to education in United Canada, is expended exclusively on Common School education; and the Revenue of these Estates, with the exception of three or four schools among the Indians is granted to Grammar Schools, Academies, Nunneries, Convents, and Colleges of Canada East.

Having in previous chapters given a statement of the Revenue to 1832, and the uses to which it was put, I here give the statement of the Revenue from 1832 to 1849 inclusive—of the appropriations of it, and of the invested fund. The dates are from October 1st to September 30th of each year.

	GROSS RECEIPTS.	EXPENSE OF MANAGEMENT.	NETT REVENUE.
1831-2	\$15,099 87	\$4,892 10	\$10,207 77
1832-3	12,973 75	2,284 87	10,688 88
1833-4	8,133 53	2,161 21	5,972 31
1834-5	12,952 40	2,482 00	10,480 40
1835-6	12,769 67	3,271 03	9,498 64
1836-7	14,625 30	4,872 37	9,752 93
1837-8	12,368 40	2,656 97	9,711 43
1838-9	11,916 66	3,523 22	8,393 43
1839-0	15,765 72	3,667 64	12,098 08
1840-1	27,299 60	5,828 69	21,471 00
1841-2	22,648 61	5,875 90	16,772 71
1842-3	15,646 23	4,655 56	10,990 67
1843-4	4,417 25	1,986 48	2,430 77
1844-5	22,654 30	7,202 43	15,451 85
1845-6	42,639 02	1,590 63	41,048 39
1846-7	20,920 60	1,533 25	19,387 35
1847-8	27,288 45	0,524 50	26,753 95
1848-9	24,074 50	4,012 43	20,062 07
1849-0	27,210 62	4,535 10	22,675 52
	\$351,414 48	\$67,558 33	\$283,856 15

These figures are from Official Documents, except those relating to 1849. I have not the statement of the Revenue of that year. But as the amount given for 1849 is the average of the rents of the Estates for the four preceding years, and the interest of the invested fund, unless the rents of last year were received more abundantly than the average rents of several previous years, the statement of the Revenue in 1849, must be very nearly accurate. The disproportion of the amount of the Revenue of different years is the result of the irregularity of the annual payment of rents.

The expense of the management of the Estates, including 10 per cent to the Commissioner, for the period under consideration, was almost one-fifth of the gross receipts.

It will be ascertained by an examination of the third chapter, that Sept, 30, 1831, \$32,638 of the Revenue of 1800 and 1831 were in the hands

of the Receiver General. In order, therefore, to ascertain the amount of Revenue which Government has had at its disposal since 1831, this sum is to be added to the income, which has accrued since that date, which makes the nett Revenue \$316,494, leaving out, for convenience, fractional parts of the dollar.

Our next inquiry is, what has been done with this large sum? Has it been appropriated, and if so, to what purpose? If any part of it remain unappropriated, where is it to be found? All these enquiries may be satisfactorily answered. Some of this money has been appropriated, and that which has not been expended is easily found. As the Act of 1831, which set apart this revenue exclusively to education, left the specific appropriation of it to future Legislatures; the appropriations will be found in the volumes of Provincial Statutes since 1831. *None of this Revenue was appropriated for 14 years after it was set apart to education.* The first appropriation, amounting to £5,496 2s. 4d., or \$21,984, was made in 1846, or in the 9th year of Victoria. This is found in Cap 59, page 919, of the laws of that year. The second, amounting to £4,285 0s. 3d., or \$17,140, was made in 1847, or Vic. 10 & 11. This law is found in Cap. 34, of the laws of that date. These appropriations were made to the educational Institutions before named; the public Institutions in Eastern Canada. Parliament made no appropriation in 1848. However the Executive granted £1,203 17s. 6d., or \$4,815, to various purposes, viz: \$1,427 to the following educational Institutions: to Nicolet College \$800, to the High School in Montreal, \$564; to the Master of the Indian School of Caughnawaga \$54; and to the Master of the Indian School of St. Regis, \$8.70; and, also,

to the repair of a mill, \$3,380. The third and last appropriation of Parliament, which was made in Victoria 12, *i. e.* in 1849, and is found in Cap. 32, page 224, of the Acts of that year, amounts to £5,092 4s. 7d., or \$20,368. This was made to the same class of institutions. The writer is informed, by the Hon. F. Hincks, through the Rev. J. Roaf of Toronto, under date of Jan. 10, 1850, that these are the only grants made from this Revenue since 1831. These grants amount to \$64,308. This sum taken from \$316,494, the aggregate of the nett Revenue of 1832 and 1849, and of \$32,638, the balance in the hands of the Revenue General, Sept. 39, 1831, leaves in possession of the Government \$252,185. This amount is unappropriated. Where is it? If the reader has access to the Public Accounts of 1848, and will turn to pages 36 and 38, he will ascertain. There were Dec. 1848, £52,268 17s. 8d., or \$209,075, invested in debentures at 5 per cent., constituting what is called the Jesuits' Estates Fund. There was also at that date £10,353 17s. 8d., or \$41,415, uninvested Revenue carried over to 1849.

Here we have \$250,491 in the hands of Government. This sum taken from \$252,185, the unappropriated Revenue, leaves a balance against Government of \$1,695. When it is considered that this is the result of an examination of receipts and disbursements of more than \$550,000 of Revenue, annually accruing during 49 years, and, also, the fact, that typographical errors, especially in figures, are often found in printed documents, and, likewise, that the statement of the Revenue, and expenses of 1849, may not be exactly correct, it would be obviously unjust to intimate, that the finding of so small a balance against Government, furnishes the least proof

that it cannot furnish vouchers for the disposal of every dollar of this Revenue. Indeed, the fact that the accounts of debt and credit, in this case, do not exactly balance, may be attributable to some trifling error in the figures of the writer. With respect to this point, all should be satisfied that Government has been faithful to the trust confided to it. Whatever has been granted has been wisely appropriated, and the unappropriated Revenue is in Bank.

It may assist the reader the more correctly to understand this subject, to give a general statement of the facts, with respect to the Revenue of these Estates. It has been shown in a previous chapter, that the probable income of them, from 1763 to 1800, was \$220,705. The gross receipts from Jan. 1800 to Jan. 1832, were \$198,335, and from Jan. 1832 to Jan. 1850, \$351,414.—Total, \$549,749. Add to this amount the probable Revenue of 1763 and 1800, above stated, and the sum total of the gross Revenue from 1763 to 1850, is \$770,453. The annual gross and nett Receipts from 1799 to 1850, 49 years, are found in Parliamentary tables. The gross Revenue was \$549,759, and the nett Revenue \$447,583. Of the gross Receipts of this period, \$102,166,—one-fifth and one-half were expended for management. Only \$113,864, about the same proportion, have been expended for education. The remainder, except \$252,185 now in the hands of Government, has been expended on churches, repairs, pensions, chaplains, expense of travelling, unknown services, objects, &c. Amount expended on unknown services and objects is \$31,275. Add this sum to the Revenue prior to 1800, and you have \$251,980, relative to the disposal of which, it is impossible to obtain any information—a sum only \$205 less than the

amount now in the hands of Government. What was done with it no man knows; but as no trace of it can be found in the public accounts, it was not expended for public purposes.

The Imperial Government is responsible for the management of these Estates, before they were committed to the Provincial Government in 1831. And what account of the trust providentially confided to them can they give? The Government knew the exceeding destitution of the Colonists of education, and, also, that the Jesuits' Estates were created to educate the youth of the Colony, and that they were faithfully devoted to this object so long as the Jesuits controlled them; and, yet, the English Government, in 1764, stopped the Quebec College, and converted its buildings and grounds to the service of the troops; left the Revenue for 37 years to be squandered away: and during the succeeding 30 years devoted only one-fourth of it to education! Nor is this all: to this day the English Government occupies Quebec College and appurtenances for Barracks—the most valuable portion of the Estates; property which, as the writer has before shown, might have yielded \$1,204,000 Revenue, if it had been improved and rendered as available as a committee of Parliament stated it might have been. The manner in which the Imperial Government neglected or perverted the income of these Estates for 67 years after they became the property of the Crown, is not only very derogatory, but censurable in the extreme. The fact that William IV., when he gave this property up to the Provincial Government, in 1831, expressed a willingness to have Quebec College and the adjacent grounds, restored to their original design, and to have their income de-

voted to education, provided other Barracks were furnished for the troops, in some measure exonerates the Parent State, from participation in the unjust perversion of this portion of the Estates *since* that date. On the testimony of a Public Document, it appears that the Provincial Government are principally to be blamed for withholding this property for the last 18 years. How long will they expose themselves to just censure by continuing to do it?

Inasmuch as it has generally, if not universally, been supposed that the Revenue of these Estates, since it was set apart to education, and committed to the disposal of the Provincial Parliament, had been expended as fast as it accrued; the announcement that no appropriation was made until \$170,000 or \$180,000 were invested in a fund, must occasion great surprise, and lead the intelligent Colonist, both of Eastern and Western Canada, to enquire into and scrutinize the policy of the Government in the premises. The uniformity of the action of successive Ministries for a period of 14 years, during which no appropriation was made from this Revenue, discloses a settled policy of Government to withhold it from education, in order to have it accumulate and compose a large fund. Moreover, the following facts place this matter beyond the possibility of disproof or of reasonable doubt. In 1848, Parliament made no appropriation from this Revenue, though the invested fund was more than \$200,000: and there was more than \$40,000 of uninvested income in the hands of the Receiver General, carried over to 1849. In 1849, when the income was more than \$20,000, Parliament appropriated about this amount of it to the object to which this money is set apart, and about \$10,000 from

the Common Revenue of the country. If it has not been the uniform policy of Government to create a princely fund from the income of these Estates, why did it for 1832 and 1845 inclusive, and for 1848, take the \$20,000 annually granted to public institutions in Eastern Canada, amounting to almost half-a-million dollars, from the Common Revenue, and thus add so much to the debt of United Canada? The character of this policy is too obvious to require further elucidation. This must be manifest to the country.

All will naturally enquire what motive or design has influenced the Government to take this course? What has been and is still its object in creating this fund at the past and present expense of the Colony? Though the Act of 1831 left the specific appropriation of this Revenue to subsequent Parliaments, it made no provision for the creation of a fund; but seems to have contemplated its annual appropriation as fast as it accrued. Certainly the Government had no legal authority for withholding and treasuring it up. The country has never, by Legislative action, given them authority thus to dispose of it. It is, therefore, proper for those for whose benefit this property is set apart, to inquire for the motive which has influenced Government to assume the prerogative and responsibility to do this.

This motive or design must have been one of two things, viz. : the advancement of education in Canada East, or some other purpose. Was it the former? Has the sole object of the Government, in treasuring up this money, been the creation of a large fund for the purpose to which, by legal enactment, it is devoted? If so, some things are inexplicable. If the motive of crea-

ting
me
ins
usu
yea
ring
bee
wh
the
\$41

I
ma
184
Re
ves
ove
the
ven
of
stit
wo
183
Mr
Ac
Wi
Ca
this
ing
ha
tru
oth
18
ven
£1
nee
Jes
lic

ting this fund, has been merely to obtain the means of liberally sustaining public educational institutions, in Eastern Canada, why has not the usual annual grant of \$20,000, for the last ten years, been made from this Revenue, since, during this period, the average annual income has been about \$21,000. If this has been the motive, why was no appropriation made in 1845, though the nett income of that year was more than \$41,000?

If this has been the motive, why was no grant made by Parliament, from this Revenue, in 1848, though there were in the hands of the Receiver General, more than \$40,000 of uninvested Revenue, carried over to 1849? Moreover, if the Government in the management of these Estates, and in the disposal of their Revenue, holds them in abeyance to the necessities of Academies and other public educational institutions, in this section of the country; in other words, if it acts strictly in obedience to the act of 1831, why did the Governor in 1849, assign to Mr. Galt, as a reason for not granting aid to the Academy in Richmond, the want of funds! With \$250,000 in Bank, for Education in Eastern Canada, how could this be said in truth? If this fund is used for other purposes, when pressing exigencies make its use convenient, it might have been said in truth, but not in fidelity to the trust confided to Government. *It is used for other purposes under such circumstances.* In 1848, Mr. Hincks stated, in his reply to the Governor's address, relative to the granting of £140,000, for a civil list, that monies would be needed to replace what had been taken from the Jesuits' Estates fund, and expended on the Public Works.

It seems from the above statements, that the creation of this fund may have an ulterior reference to some purpose, foreign from education. Have we here the development of a covert, secret design to preserve these Estates until a Parliament can be elected to give them to the Jesuits?

THE
CO
RE
AN

THE
are,
tive
tiza
reve
burs
and
pert
Thro
Que
to it
loni
ting
educ
inve
clus

T
nists
ject
rese
men
men
whi

t the
refe-
tion.
, se-
Par-
e Je-

CHAPTER VII.

THE POLICY OF GOVERNMENT—THE DUTY OF THE
COLONISTS—THE INTENTION AND EFFORTS OF THE
ROMAN CATHOLICS TO ACQUIRE THE POSSESSION
AND CONTROL OF THESE ESTATES.

THE principal topics of the previous chapters are, the origin of these Estates, the date and motive of the deeds of conveyance and of their amortization—their locality and extent—the probable revenue from 1763 to 1800—the revenue and disbursements from 1800 to 1832—the alienation and perversion of valuable portions of this property, in the village of Laprairie, the town of Three Rivers, and in the cities of Montreal and Quebec—measures preparatory to its restoration to its original design. The education of the colonists, and the Legislative action in 1831, setting apart the revenue thereafter, exclusively to education; and the revenue, disbursements and investment of the revenue of 1832 and 1849, inclusive.

The design of this manual is to give the colonists an accurate and faithful exposé of the subject on which it treats, from 1625 to 1850. The research and investigation of the subject, commenced and prosecuted, at the request of gentlemen in Sherbrooke and the city of Montreal, and which have cost no little persevering and patient

toil, and a sacrifice of some money, are now completed. These papers may be relied upon as strictly accurate in all their statements. They give a correct and succinct view of an important matter—of a subject never before fully laid before the country. For centuries the Colonists have heard of the Jesuits' Estates, and yet, very few persons have had the means of understanding the subject. If the Editors of the 80 or 90 papers, published in Canada, will do their duty, with respect to the matter, and give the facts to their readers, all may now understand it. It is presumed, that both the present and future exigencies of Canada may render this necessary for the public good.

It is impossible to ascertain the value of these Estates. *It may amount to three or four million dollars. Two hundred and fifty two thousand dollars are invested in Debentures at 5 per cent.* The revenue of 1850 must be between \$30,000 and \$40,000, for the average annual income, for the last five years, has exceeded \$27,000.

The revenue of these Estates, set apart by law to Education—to public Educational institutions in Eastern Canada, should be held sacred to this purpose. *Every Protestant Colonist in United Canada, should acquaint himself with this subject, and look well and early to every movement with respect to the management and disposal of this property.* The Colonists, by their representatives in Parliament, should, at an early day, call on the Government, to make known to the country, the motive and design of their policy in treasuring up this revenue, and taxing the common revenue with the support of those Educational Institutions, to which this Revenue was set apart nineteen years since. The Government being merely the trustee of this property—the agent of

the
as
up
the
It
right
que
giv
as
can
for
trust
of t
of
Thi
ere
Est
\$50
val
dollar
per
full
not
tent
mat
sea
tion
of t
mer
del
A
vig
uni
eye
upo
acq
Thi
una

the country, to take care of it, and appropriate it, as the law directs, may most rightfully be called upon fully to explain the motive of its policy in the premises. That policy is not understood. It needs explanation. The country, the only rightful proprietor of this property, has an unquestionable right to call on the Government, to give an account of their doings in this matter; as good a right to do this, as the British American Land Company has to call agents to account for their doings in any given case of confided trust. Neglect to do this will evince, on the part of the people, great destitution of a proper sense of responsibility and of obligation to fidelity. This business should have been attended to long ere this day. Had this been done, the Jesuits' Estates might have yielded an annual income of \$50,000 or \$75,000, instead of \$30,000. The most valuable portion of them has never yielded a dollar of revenue, but has ever been, and is still perverted! Therefore, the enquiry is respectfully submitted to every intelligent Colonist, Do not these things demand early and faithful attention and research? Should not the whole matter, relative to this property, have strict and searching investigation? Should not the condition, management, revenue and disbursements, of these Estates, and the policy of the Government with respect to them, without unnecessary delay, pass before the ordeal of the country?

Another thing demands the most careful and vigilant attention, and the most unremitting and united counsels and action of Protestants. *The eyes and the hearts of Roman Catholics are upon these Estates, and their purpose is to acquire them at the earliest possible opportunity.* This assertion is based on no vague rumour, or unauthorized conjecture, but, on tangible, posi-

tive, incontrovertible proof. That love of wealth and of power, which has ever distinguished the Papal Church, and which by the aid of Government, has acquired the possession of so large a portion of the domain of Canada, and such immense treasure from the public chest, aims at the acquisition and control of this extensive and valuable property. The fault is not that of the Romish Church that it did not possess it long since. Assuming that they have a right to it, their desire, intention, purpose, and efforts have ever aimed at its acquisition. Their wishes and sentiments have ever been uniform, and united, relative to this affair, since these Estates passed from the hands of the Jesuits. What they were at an early period may be learnt from the following communication of J. F. Hubert, Roman Catholic Bishop of Quebec, dated 1789, and addressed to a committee of the Legislative Council, of which the Hon. William Smith, Chief Justice, was Chairman. He says :—

“ I should not be backward in seeking immediate measures, for securing the College of the Reverend Fathers, the Jesuits, as well as *their other Estates*, to the Canadian people, *under the authority of the Bishops* of Quebec.—But to whom ought the government of the College to belong, if it were again set on foot ? First, to the surviving Jesuits for his life, and afterwards to those *who should be appointed by the Bishop*. Can any one wonder at such a plan ? I will state the principles upon which it is grounded.

“ 1. ‘ The funds of the College will only consist of the Revenues of the Estates of the Jesuits.’

“ 2. ‘ The Province has no right to appropriate them to itself, but for their original destination.’

“ 3. ‘ The propagation of the Catholic faith is the principal motive in the title deeds.’

“ 4. ‘ The circumstances of the donations, and the quality of the donors, would also prove that to be their intention. The Canadians, as Catholics, have, therefore, a right to those Estates, as appears incontestible.’

"5. 'The instruction of the savages and the subsistence of the missionaries, appearing to have greatly actuated the donors of these Estates, is it not fit that the Bishop of Quebec, who names these missionaries, should have it in his power to decide in their favor, respecting the application of that part of the said Estates, which shall have been found to have been given with that intent, rather than see them burdensome to Government, as many of them have been for some years? Therefore, in preserving the Estates of the Jesuits to the Canadians, under the authority of the Bishop, he would have a right to cause this essential part of the intention of the donors to be executed, and it is besides very probable, that the College and the public would be gainers by it.'" Appendix of 33rd Volume of the Journals of the House of Assembly of the Province of Lower Canada, 5 Geo. IV, 1824, letter Y.'

The logic and argument of Bishop Hubert, will have attention in a subsequent chapter. (A few words have been *Italicised* for the attention of the reader.) His language is here cited to prove that the Catholics, in 1789, sought to obtain the possession of the Jesuits' Estates, to be under the control of the Bishop of Quebec, to be expended on education and missions, or the support of the priesthood, as the priests in general are called missionaries. As the Catholic Bishops are not only the expounders but the authors of the sentiments of the Church, here we have an epitome of their wishes and principles on this subject, about 60 years ago.

Documents written by Bishops and Priests, the Roman Catholic press, and the known opinions of the laity, and design, in some well authenticated cases, of voting for a favorite Candidate as a member of Parliament, in years past, evince that the principles of Bishop Hubert, relative to this property, have ever been the principles of the Church. These are the views and sentiments inculcated and advocated by the principal Catholic papers in Canada, except the *Avenir*. During the past year they have pleaded for the restoration of this property to

the Roman Catholics, with great spirit and determination. The spirit that actuates the Editors of these papers and their Correspondents, is the same that pervades the Church. The writer has heard from the lips of the laity on this subject, this positive language. "The Jesuits' Estates are ours. We ought to have them, and we will have them."

It is unnecessary, however, to extend proof on this point. The following extracts from the Journal of the Legislative Assembly, and Council, must suffice :—

" In 1846, ' His Grace, the Archbishop of Quebec, the Right Reverend, the Catholic Bishop of Montreal, and other Catholic Bishops, the coadjutors of the Dioceses of Quebec and Montreal,' petitioned Parliament, '*that the property of the late order of the Jesuits, be placed under their control,*' 'ordered that 250 copies of this petition be printed for the use of Educational and other purposes.' Legislative Assembly Journals, Vol. 5, Vic. 9, 1846."

Here we have the expression of the Bishops, Archbishops, and Coadjutors of the Roman Catholic Church in Canada East. In 1846, they, as the organs of the Church, reiterate the the wishes and principles of Bishop Hubert, in 1789. Their object and prayer are the acquisition of these Estates to themselves, the Papal Hierarchy of Eastern Canada, for Education and other purposes, that is, for the support of Catholic Educational Institutions, and the priesthood.

In 1847, "The Seminary of Nicholet and the very Rev. J. Dumas, and others, Priests, Members of the Catholic Clergy of the Dioceses of Quebec and Montreal," presented petitions to Parliament, "praying that the Jesuits' Estates may be devoted to the object for which they were originally intended." Journals, Legislative Assembly, Vol. 6, Vic. 10, 1848, Page 49.

The sense of this petition is quite intelligible. These Estates were amortized for Education, and that only. They were set apart exclusively to Education in 1831. The prayer of these petitioners assumes that they are not devoted to their original intention, and they pray that they may

be
of
Ar
Mo
the
"
Prie
Leg
sale
ject
Leg
A
wh
see
per
pur
H
and
to t
try.
a un
ble
of t
tain
dire
are
sche
Wil
their
uni
of th
and
wre
dren
eng
eva
tion
foll

be restored to it. Their object is the same of that of the Bishops, &c., above given. The Bishops, Archbishops, and Coadjutors of the Dioceses of Montreal and Quebec, petitioned in 1846, and the Priests, in 1847. The same year :—

"The Rev. Thomas M'Guire, and others, Roman Catholic Priests in the Dioceses of Quebec and Montreal," petitioned the Legislative Council, "praying that the funds arising from the sale of the Jesuits' Estates, may be appropriated towards the objects for which they were originally destined." Journals of the Legislative Council, Vic. 10 and 11, page 36.

As there had been no sale of these Estates to which these petitioners could have referred, they seem to have contemplated the sale of this property, and their devotion of the avails to the same purposes, sought by the previous petitioners.

Hence, the desires, positions, designs, plans and efforts of the Roman Catholics, with respect to these Estates, are clearly manifest to the country. Their plans are, doubtless, matured to make a united effort to secure this extensive and valuable property, at no distant day. To the knowledge of the writer, covertly, but to some extent, certainly, Catholics have given their suffrages with direct reference to the acquisition of it. They are laying in wait for it, with all the arts and schemes of Jesuitical cunning and craftiness. Will not the Protestant population awake from their slumbers, examine this matter, and do unitedly and promptly, whatever the exigencies of the case require? Will they, from sheer sloth and lethargy, suffer millions of property to be wrested from them and their children, and children's children, to be employed as a mighty engine against the cause of civil freedom and evangelical truth? Should they, future generations will not only condemn, but weep over their folly.

CHAPTER VIII.

HAVE THE ROMAN CATHOLICS A LEGAL OR EQUITABLE RIGHT TO THESE ESTATES ?

It was shown in the seventh chapter, that J. F. Hubert, Roman Catholic Bishop of Quebec, in 1789 claimed and asserted the right of the Catholics to this property, and that the Bishops, Archbishops, Coadjutors, and Priests of Canada, in their petitions to Parliament, in 1846 and 1847, praying that this property might be committed to the possession and control of the Bishops, by implication and assumption, take the same position. The Roman Catholics allege and assert their right to this property. This allegation and assertion are so indefinite and ambiguous, that we are left in the dark on the question, whether they are based on an assumed legal or equitable claim, or on the assumption of a claim both in law and equity. It will be necessary, therefore, in the examination of their asserted right to this property, to cover in our investigations, designed to ascertain where this right is vested, the whole ground of right and title both in law and equity.

Have the Roman Catholics any legal right to this property? This question was long since decided in the negative, by the highest legal and judicial authority in France, England and Canada. This point under the scrutiny and

research of legal investigation, on principles of common, national and state law has been thoroughly adjudicated; and judgment has been obtained against the Papal Church. A voluminous report of the proceedings in the premises, both in Europe and America, may be found in the "Appendix to the 33rd Vol. of the Journal of the House of Assembly of the Province of Lower Canada," Geo. IV., letter Y. This report covers 50 pages Folio.

For the information of those persons who have not access to this Vol., extracts will be given in sufficient detail to give an intelligible view of the grounds of the decision.

In 1786, the Right Hon. Guy, Lord Dorchester, Captain-General and Governor in Chief of the Colonies of Quebec, &c., appointed commissioners to examine all matters relating to these Estates, and especially to ascertain and report on the question whether the legal right to them was vested in King George or not. The commissioners executed the order of their commission, made an extended report in 1788, and sustained the claim or right of the King. This report was committed by Lord Dorchester, to Alexander Gray, Attorney General, and J. Williams, Solicitor General, the King's Law servants in the Province, for their examination and legal decision.—They reported in 1790, and also sustained the legal right of the King to the Jesuits' Estates. The following are their opinions relative to the point at issue:—

"The great object in the several Grants to the Jesuits in the last Century, seems to have been the conversion of the Savages to Christianity; most of them are in consideration of past services in that way, and of the great use they had been of in establishing the Colony.

"From the earliest period of the Settlement of the Colony it appears that the Jesuits possessed property, at first in the name of and as Administrators to the Native Savages of the Soil, and

next, in their own name, though without any legal footing or establishment till the year 1651, in the month of July, in which year they obtained from the French King Letters Patent for their Establishment in North and South America, which are analysed under the head of General Titles and annexed to this Report, from which it will appear that they were allowed to possess Lands and Houses and other property for their subsistence upon the same footing as they did at that time in the Kingdom of France, the Lands they had acquired were thereby confirmed to them, and they obtained the singular privilege, rarely granted to Religious communities, of acquiring without further permission other Estates and property without limitation. Thus rendered capable of acquiring and holding Estates, their grants were variously conceded sometimes to the Revd. Fathers of the Company established in New France, but all evidently for the Society at large and subject to Rules of their Institution.

"We have already observed the footing upon which the order of Jesuits held their Estates in the Province under the Letters Patent of July 1651, to be the same as that on which they held Estates in the Kingdom of France. It was not, however, until 1658 that these Letters Patent were enregistered in the Parliament of Paris, which, ever jealous of this Society and its influence with the Sovereign, was careful in the act of registration to express the conduct of their Establishment; hence may be seen the application which may be made of the proceedings in France in the years 1761 and 1762 to the Jesuits of this Province. The nature of their Institution prevents them individually from taking any thing under the Capitulation of all Canada, and to their Society, under one head and absolute Governor domiciled at Rome, nothing was granted or could be legally reasonably supposed to be conveyed, but even that head, and with it, the whole Society, wheresoever dispersed, was finally dissolved and suppressed in the year 1774, so that the existence of the very few Members of the Order in this Province can in no shape be considered as forming a body politic or corporate, capable of any of the powers inherent in and enjoyed by Communities.

"In this situation we do not even need to call in the aid of the proceedings in France, against the Jesuits there, to establish His Majesty's Rights. As a derelict or vacant Estate His Majesty became vested in it by the clearest of Titles, if the Right of Conquest alone was not sufficient; but even upon the footing of the proceedings in France and the Judicial Acts of the Sovereign Tribunals in that Country, the Estates in this Province would naturally fall to his unlimited disposal; for by these decisions it was established upon good, legal and constitutional grounds, that from the nature of the first Establishment or admission of the Society into France being conditional, temporary and probational, they were at all times liable to expulsion, and having never complied with, but rejected the terms of their admission, they were not even entitled to the name of a Society; wherefore, and by reason of the abuses and destructive principles of their Institution,

they were stript of their property and possessions, which they were ordered to quit upon ten days notice, after having been compelled to give in a full statement of all they had, with the several Title Deeds and Documents of proofs in support of it. Sequestrators or Guardians were appointed to the management of their Estates, and in a course of time and with a regularity proportioned to their importance, provision was made for the application of them in the various ways that law, reason, justice and policy dictated, and all this was done at the suit of the Crown officers by the Courts of France, as we apprehend in a Judicial, and not in a legislative capacity."

They then add in substance. "It is therefore, as well for these, as for other reasons, peculiar to the situation of the Jesuits in this Province," that we incline to the opinion, that the King has a right, without a law or ordinance of the Provincial Legislature, to declare "His royal will and pleasure as to the suppression and dissolution of the order of the Jesuits, and the annexation of their rights, properties, and possessions to the Crown for such purposes as his Majesty may direct and appoint."

Nothing has been done or countenanced by Government to alter or change the condition or footing on which the Jesuits of Canada stood at the time of the conquest or since.

"It is true they have been suffered to remain in possession of these Estates, and Governor Holdimand, in 1781, received from them an *aveu et denombrement*, or declaration of the Estates they possessed in the Province, but under an express guard that such reception should not injure the rights of the Crown, and without receiving them to Fealty and Homage, as we find from the papers now before us, neither of which we conceive can be considered as approbative or confirmative Acts; nor can the Jesuits or any other persons derive title or advantage from such circumstances under the present inquiry; on the contrary, the lenity and indulgence that has been shewn should operate the other way, and induce the Jesuits to look with gratitude to His Majesty for the protection they have received, and produce a ready compliance on their part with His Majesty's wishes, as well as the diligence of all persons concerned in bringing this business to a conclusion.

"We conceive it does not need the aid of a Law to effect this purpose, nor much difficulty legally to obtain the possession of

the Jesuits' Estates, long fallen to and vested in His Majesty by every Rule of Public or Private, Civil or National, Law and Practice."

This is the decision of the Attorney General and Solicitor General, the King's Council and legal advisers in 1790. On the strength of this opinion, the King took legal possession of this property in 1800.

It will be seen that the legal right of the King to these Estates is sustained by three positions, viz:—Conquest, the suppression of the Jesuits, and the confiscation of the property, and the death of the surviving Jesuit in 1800. If these positions do not sustain a legal right to property what will or can?

By conquest, and the treaty of cession, called the "definitive Treaty" of 1763, the King of England acquired absolute and unconditional jurisdiction over the Jesuits' Estates. This document concludes in the following words:—

"His most Christian Majesty renounces all pretensions, which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its parts, and guarantees the whole of it and all its dependencies to Great Britain.

"Moreover, His most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts in the Gulf of the River St. Lawrence, and, in general, everything that depends on the said countries, lands, islands and coasts, with the sovereignty, property, possession and all rights acquired by treaty or otherwise, which the most Christian King and Crown of France have had, till now, over the said countries, islands, lands, places, and their inhabitants, so that the most Christian King cedes and makes over the whole to the King and Crown of Great Britain, and that in the most ample manner and form without restriction, and without any liberty to depart from the said guarantee under any pretence, or to disturb Great Britain in the possession above mentioned."

Nothing could be more full, ample and unconditional, than the cession thus made. The complete and absolute jurisdiction of the King of

Great Britain, acquired by conquest and treaty, rendered it competent for him to confiscate the Jesuits' Estates, and devote them to the purposes of the Crown. Therefore an absolute and incontrovertible legal right was acquired by conquest and confiscation. This is a point not to be disputed. But if no such right had been thus acquired, by universal national law, this property would have become the possession of the Crown in 1800, by the death of the last surviving Jesuit. A derelict or vacant Estate, at the decease of the last surviving owner or heir, always becomes the property of the Crown or Government, of which the deceased was a subject. This course of argument gives the British Crown the strongest possible legal right and title to these Estates. And it as conclusively decides, that the Roman Catholics have not the least shadow or pretext of legal right or title to this property. No Roman Catholic has had any legal right or title to it since 1774. Subsequent to that period, the surviving Jesuits were indebted to the favor and indulgence of the Crown for permission to occupy and enjoy any portion of it.

CHAPTER IX.

THE Roman Catholics have no legal right to the Jesuits' Estates. This has been clearly shewn. It is made plain by other conclusive considerations and statements in the following letter addressed by J. Marriott, to the Attorney and Solicitor General of England, 1765. This letter was in answer to these questions :—

"What Estate is vested in the Communities or Societies of Jesuits, which they occupy in the Houses or Lands in Canada ?

"Whether they could without powers from the Father General or Superior, before the expiration of the eighteen months allowed for the sale of Estates under the treaty of Paris, and now can make a good title thereto ? And whether the General or Superior, residing at Rome, and never having been in Canada, could have given, and now can give, powers to make a legal title for the sale of such possessions ?

"I beg leave to observe, that, besides the Jesuits of the less observance, who are to be found in every part of the world, concealed agents of the society, Laymen as well as Priests, persons who have been married as well as those who have never married, and of all conditions and employments of life, (the whole order amounting to twenty thousand men in the year 1710, and since increased, in proportion to the enterprising genius of that Society in the course of half a century,) the known communities of the Jesuits in Canada are the *Missions*.

"The Missions are, properly speaking, draughts from the houses of the professed, (agreeably to the plan of this order, founded by a military man on military principles;) they are engaged by their fourth vow to go to any part of the world, where the Pope, or their Generals shall send them *non petito viatico*.—The Missions are so called in their Institute, in distinction to the houses of the professed, and from the houses of the Noviciates and Colleges. The Missions like the professed, are all under a vow of poverty, and mendicants by Institution ; and as the professed hold Estates in trust for the Noviciates and Colleges, and the rest of

the Society having nothing for themselves, otherwise than indirectly, (for they never beg, notwithstanding their Institution;) so the Missions who are detachments from the professed, hold Estates in the same manner. If the Estates are donations, then they are held for such uses as the founders by grant, gift, or devise shall have directed, and for such further uses as the Father General shall direct; inasmuch as all donations are constantly accepted by the order, and ratified by the General, with this special salvo, commonly known and supposed to be acquiesced in by the donors, or their representatives, *ita tamen ut in omnibus instituti ratio seruetur*. And if the Estates are acquired by purchase out of the surplus of the funds destined *ad libitum* by the General for the support of the College, or out of the profits of commerce or personal industry, then the Missions hold these Estates for the benefit of the whole Society, wheresoever dispersed over the world, but united under one Sovereign head, domiciliated at Rome, whose power over his whole order being unlimited, he is the sole proprietor, and as it were, the heart of the whole body into which, and from which, all property has a constant flux and reflux, by a circulation of the system in all its parts. So that the Estates of the Society must be considered in the possession of one man, the General of the order; who is always by birth an Italian, an actual subject ecclesiastical and civil of the Roman Pontiff; upon whom he acknowledges a kind of feudal dependence, rather than an implicit obedience; (the Father General having sometimes resisted, and being in some respects independent even of Papal authority,) being, in all other relations, an absolute Sovereign over his own vassals, who are independent of every civil government under which they reside; to which they cannot be united in a civil essence by the nature of their Institute, without ceasing to be what their Institute makes them, a distinct nation, in the midst of nations, and an empire in the midst of empires. As all other regulars, according to the Canon Law, are servants of their Monastery, so the individuals of the Society of Jesuits, according to their Institute, are the servants, or rather slaves of their order; and according to the rule of law, by which *quidquid acquiritur servo acquiritur domino*; they have no property of their own.

"It is remarkable, that the order (of which the Province of France makes but a very small part) has been only tolerated provisionally in that kingdom, and upon probation of good behaviour, without ever having had any legal establishment as a part of the ecclesiastical and civil constitution of the realm. The General of the order has constantly refused the conditions of the original admission, made by the acts of the Assembly at Poissy, of the Gallican Church, and has also refused the conditions of the re-admission of the Society on the same terms after their expulsion, (which re-admission was granted by the Royal Edict, in virtue of a treaty between the Crown of France and the Papal See,) because the terms of re-admission were radically subversive of the whole order.

"To the original act of admission all subsequent edicts in their favor have had a retrospect. So that the *Arret* of expulsion remained always liable to execution; and the members of the order

were merely as inmates, occupants of houses and lands in France, and in the extent of the Dominions of that Crown, subject to resumption.

"From all these premises, it seems conclusive that the titles of the Society passed, together with the dominions ceded to Great Britain, (in which dominions those possessions were situated) attended with no better qualifications than those titles had by the laws and constitution of the realm of France, previous to the conquest and cession of those countries.—But it seems further to be clear, that those titles are now in a worse condition since the conquest and cession; for till that period they were only in abeyance, and suspended upon a principle of probationary toleration; but by virtue of the natural law of arms, and conquest of countries, confirmed by acts of the law of nations, by solemn cession and guarantee, the possessions of the Society lost of course all civil protection by the fate of war, but much more so by the only power, whose authority and intervention could have preserved the property of these possessions to their supposed owners, having withdrawn its tolerance and protection, and deserted them as a derelict at the mercy and entirely free disposition of the Crown of Great Britain, by making no provision in the articles of cession, to serve the pretended rights of the community of Jesuits, nor indeed of any other Ecclesiastical community, which latter might have been under a more favorable view, having a civil being, and each house possessing a separate property, distinct from others of the same order; whereas the order of Jesuits, contrary to all other regulars, is one indivisible order, aggregate indeed by its own Institute, but not incorporated by the laws of France; and the Father General, never having been an inhabitant of Canada, nor a subject to the King of France, he could not retire and avail himself of the fourth article of the definitive treaty, nor sell his Estates, nor withdraw his effects within the time limited. In a few words, the Society of Jesuits had not and cannot have any Estates in Canada, legally and completely vested in them at any time, and therefore, could not and cannot transfer the same, before nor after the term of eighteen months, so as to make a good title to the purchasers, either with or without the powers of ratification of the Father General, who as he could not retire, so he cannot retain any possessions in Canada, since the time limited for the sales of Estates there agreeably to the terms of the treaty, because he is as incapable of becoming a British subject, as he was of being a French subject; nor can the individuals of the communities of the Jesuits in Canada, take or transfer what the Father General cannot take or transfer, nor can they, having but one common stock with all other communities of their order in every part of the globe, hold immoveable possessions, to be applied for the joint benefit of those communities which are resident in foreign States; and which may become the enemies of his Majesty and his Government.

"In answer to the question—Whether the persons in possession hold the same as Trustees for the General, or for the whole Society of Jesuits, and in that case, whether such trust is not void in Law? what forfeitures are incurred thereby? and to whom?

"I beg leave to observe, that whoever the persons are who occupy the possessions in question, they must be understood to hold the same as Trustees for the Head and Member of the one indivisible Society, and political body of Jesuits, of ecclesiastical and temporal Union, forming, according to their Institute, one Church and Monarchical Government, with territorial jurisdiction independent of all civil authorities under which the Members of the Society are occasionally dispersed, and without stability of domicile; that such trusts, are therefore, from the very nature of this Institution, inadmissible by the Laws of Nations and of all Civil Governments; they are void both in law and in fact, because there is no legal corporate body civilly established to take their use but an alien Sovereign, and aliens his subjects, who were and are utterly incapable, by the very nature of their Institution, of any civil existence. The possessions, therefore, of the Society of Jesuits in Canada, in every view of the case, are lapsed to His Majesty by right of conquest, and acquired sovereignty; by dereliction of the supreme power itself, of whose good pleasure these possessions were lately held, no provision having been made for them by it in the act of cession; by the want of an original complete title in a body incapable of legal taking, holding, and transferring; by the nature of defective trusts, founded upon such defective titles; and by the non-compliance of the order with the provisional terms of re-admission, as probationary occupants and only *pro tempore*, into the Dominions of France, domiciled in the person of their Father General at Rome, subject to the execution and effect of the *Arret* which was passed by the original tribunals for their expulsion in 1594, to which they are still liable, for never having observed but openly rejected, the conditions of their first admission, which are the conditions of the second, and farther, are liable, *ipso facto*, whenever they should be hurtful and dangerous to the realm."

The intelligent reader will discover, among other things, the following principles in this important document. The title of the property of the Jesuits is vested in the Head or General of the order. They being under a vow of perpetual poverty can hold no property. The Jesuits in France, in the 16th and 17th centuries had no legal title to property; all the title existing was vested in an Italian at Rome. This Italian, being an alien, not under allegiance to the King of France, could hold no real property either in France or its colonies. This was the state of affairs before the conquest. Neither the Jesuits, nor the General of their

order had any legal title to their Estates in Canada prior to 1763. What was the condition of their titles after the conquest? Not improved, but rendered still more precarious and frail. The General being an Italian, an alien, not under allegiance to the King of Britain, could hold no real property within his realm.* He therefore had no legal title to property in Canada. The tenure by which it was held was merely nominal and not real. Is it not therefore certain that the Jesuits never had a legal tenure to their Estates in this Colony? If the Jesuits as a people could hold no property by virtue of their vow of perpetual poverty, they had no legal title to it; and if the General, being an alien, and a non-resident, could not have a legal tenure to real property within the French and British dominions, he had none. Their legal title to these Estates, then, was only nominal or imaginary.

These positions are too plain to admit of controversy. Therefore, if the Roman Catholics, in the colony, sustained the same relation to these Estates, sustained by the Jesuits themselves, they would have no legal title to them in the British dominions. How then can they have acquired a title or right to them in law? Will the fact that the Jesuits once held them by an assumed tenure, not authorized by law, give the Catholics a legal right and title to them? A position, which no sophistry or Jesuitical logic or cunning can make plausible. The fact that one man holds property by a tenure not authorized or sanctioned by law, can give no other man a legal title to it.

* Blackstone's Commentaries, Vol. 1, B. 1, Chap. 10, Page 371.—Also Vol. 2, B. 2, Chap. 15, Sec. 6, Page 248. *Vide* Argou Droit Français, Tome A 1, Page 85.

CHAPTER X.

AUTHORITIES SUPPORTING THE POSITIONS OF THE NINTH CHAPTER OF THESE ARTICLES, &c.

As the design of these papers is to put the public in possession of the facts and authorities, the knowledge of which is necessary for a correct understanding of the subject on which they treat, it seems proper to communicate the substance of a communication of Mr. Marriott, one of the British Ministry, which accompanied his letter to the Attorney and Solicitor General, and found in the 33rd Vol. of the Journals of Legislative Assembly of Lower Canada, given in the foregoing chapter. The Authorities of Mr. M. in the small type in Latin and French, are rendered into English.

Proofs and Extracts relating to the Constitution of the Society of Jesuits, annexed to the letter to the Attorney and Solicitor General.

Concerning the Jesuits of the less observance, the Bill of Sextus V., 29th September, 1587, gave the Society a power of setting up congregations in all their houses and in all places, *sub gubernio societatis existentibus*, and to connect and unite these congregations with the congregation at Rome, *et primariae Romanæ aggregandi*; so that these immense congregations of

lay brothers, formed in every kingdom but one body, having the same spirit, interests, views and government, with the congregation at Rome.

Father Jouveny informs us that in 1710, the society had six hundred and twelve colleges, three hundred and forty houses of residence, fifty-nine noviciates, two hundred missions, and twenty-four houses of professed; the whole divided into thirty-seven provinces or territories of the society, the extent of which may be judged from the consideration, that all France formed but five, which were called the provinces of France, Champagne, Guienne, Toulouse, and Lyons. The missions were attached to some one of these provinces, or made themselves separate missions. The number of the four classes, was, in the year 1710, on their own list, 19,998. It may be conjectured, from the enterprising spirit of the society, how much that number must have increased since. The four classes were as follows:—

“1st, The Professed; 2nd, the Coadjutors; 3rd, the Scholars, Students and approved Scholastics; 4th, all those who, without being of the three former classes, had taken a resolution to live and die in the society, and were in probation till it should be decided, into which of the three other classes they should be admitted.”

The Houses of residence, which were 340, are the Houses of the Missions out of Europe.

The Missions were under a vow of poverty. It was the general rule of the Institute of the whole society:—

“This little congregation so accepts poverty as to be neither willing nor able to have any Revenues for its support, or for any other purpose.”

In the first Bull obtained by them from Pius V., 1571, the terms were:—

“It is declared a Mendicant Society, according to the design

of its institution, and is reckoned with the other orders of mendicants, and is made equal to them in privileges."

And in the disposing and granting part the Pope says :—

"For the Mendicant Society exists as one, which, by its rules and constitution, confirmed by apostolic authority, cannot possess real property, but lives by unfailing alms, and the bounty and succour of the faithful."

That the houses of residence of the missions were not very independent of the general body, appears by the very form of the letters of authorization, which the Provincial gave for the place of Superior General of the Missions of any particular Province, and these powers were extended by special powers, or narrowed at the pleasure of the Father-General. The powers given were,

"Over the persons and places which in those parts belong to the society."

Therefore, those persons and places formed no establishments separate and independent from the common mass of the Society ; but the authority was reserved as to all contracts ;

"Not, however, or alienations, of bonds or grievances, which the College or Society ought to manage !"

In which case a special authority was requisite, so that the whole property of the houses of the Missions was clearly in the Father-General.

The Bulls of Gregory XIII., 1576 and 1582, vested all property in the Father-General. The recital was :—

"Permanent and inalienable property, or what is in a manner permanent ; also valuable moveables of whatever quality and power, of houses both professed and of probation, of Colleges and other places, wherever existing, information being accepted from without by informers summarily and simply, or even with an entire omission thereof ;"

reserving to himself to judge the utility of the alienations or assignments.

"Simply and without the form of judgment : nor is he bound to a communication of the utility or necessity of sales and other alienations of this kind, or of the exchange of property by money, into what is of equal or greater value ; or to any other accountability."

The unlimited extent of the General's power further appears from the compendium of the privileges of the society of Jesuits :—

"The General, as soon as elected, can exercise full jurisdiction over all living under his obedience, wheresoever they are sojourning, even the privileged, even those possessing powers of what nature soever."

The General had granted to him by it, power

"Over all of the same society, fellows and private persons, living under obedience to him, wherever sojourning."

The Provincials were as Lieutenant-Generals of the Father Generalissimo.

"From the appointed General as from the head, the whole authority of the Provincials proceeds, and through them it descends to the locals, through these again to individuals."

The Missions were subjects, as well as the rest of the communities :

"From the same head, or at least from his delegated authority and his approval, the missions proceed."

Again,

"The same General possesses all power in the missions," Bull of Gregory XIV., 1591.

It appears that the members of the society were merely agents of the Father General, though furnished ostensibly with his powers,

"Although the General should delegate his authority to sub-Governors, whether visitors or commissaries, yet he will be able to approve or rescind what they have done."

How unlimited is the submission, in a system subversive of all good faith !

"Duty will require them always to render obedience and reverence to him as occupying the place of Christ :"

How shocking the impiety of an order thus constituted!

Gregory XIV. confirmed in his Bull the sovereignty of the Father General. The terms were :

"Ignatius, the founder, decreed, that the whole system of governing should be monarchical, and comprehended in rules at the will of a single superior. In addition to many other advantages, this, in particular results, that the whole order arranged under a monarchical government, though very large, is kept united, and its members scattered through the whole world, yet bound together by this perfect subordination to their head, can more readily and with greater ease be directed and incited to the discharge of various functions, according to their peculiar calling and individual disposition."

And the Bull anathematized all who should oppose their privileges, whether kings, states or prelates, upon any account or pretence whatever, and that the order should be immaculate, even by the Holy See itself, and independent, and what is more extraordinary, that if any Pope should decree thereafter to the contrary, the General should annul the decrees, and reinstate the society of his own sole authority.

"So often restored and replaced and fully reinstated in their original position in which by whatever means they formerly were by the general, they shall be, and are, and obtain and possess their effects."

The Jesuits of Spain and Portugal, desirous of a reform, from this unlimited slavery to which they were subjected, in 1593, petitioned Pope Clement, in these words :—

"Although the General has councillors, yet he is not bound to stand by their advice, but is ruler of rulers, and does what he pleases, restrained by no laws : so that he puts to death or spares, casts down or exalts whom he will, just as if he were God, who is free from all perturbation, and could not do wrong."

The subordination and constant correspondence of all the members of the society with the Father General, was such, that the whole society

were, as it were, always before him. The members of the society devoted themselves, the movements of their minds and bodies, to the disposition of the Father General, to be as dead carcases, without volition or life of their own, and as a staff in a man's hand to be directed at his will. They were to discover everything they knew or thought to the Father General, relating to the society and to themselves; the revenues were to be laid before him.

Whatever was accepted by the Provincial and sub-Governors of the order, was always accepted under a reservation for the ratification of the Father General, as appears from the decree of the congregation, 1558; Bull of Pius V., 1568; Bull of Gregory, 1576; Decree of —; and the formulary of the act annexed to it; acceptations of P. Viole, of the College of Toamou, and Procurator of the General, October 28, 1560; act of acceptation of the Hotel d'Anville, by Claude Mathiew, 12th January, 1580, Provincial of the society of France, which ran:—

“As well in his name, as that of all the said order, and who have promised to have the said acceptance ratified by the R. P. General of the society, within six months next approaching.”

Vide Contract in 1662, between the Mayor and Echevins of the city of Angoulême, for the College of that city, and Father Cotton, Provincial of Guienne, who passed it,—

“Under the advice and authority of the most reverend P. Mutio Vitelleschi, General of their congregation, resident at Rome, of whom he makes much, and has promised to furnish letters of acceptance and ratification.”

Vide, the same reservation to the Father General, in the contract of P. Boette, made in 1633, for the college of Sens, with the Mayor and Echevins of that city; the powers of the superiors to P. Boette, were—

"Under the good pleasure of our Father General, whose it is to confirm the whole matter, providing the power of binding the society."

Vide, Arret of the Parliament of Aix, in Province; also in the same terms, "sub bene placito," and the acceptation of the Seminary of Strasbourg, in 1683.

In 1591, the donation made by Delegrange, who turned Jesuit, was made to the Company, in the hands of Father Claude Acquaviva, General. This donation was disputed by the donor's family.

In 1730, the society accepted the foundation of a College, made by a Canon of Autun, provisionally. On their supplication to the General, his rescript authorized them to accept it, but with a salvo respecting the disposition of the Revenues of the foundation :—

"In such a manner, however, that in all respects the design of our institution be preserved."

In the deed of the 1st February, 1745, by which Father Diousidon, Rector of the College of Bourdeaux, accepted the donation of ten thousand livres made to the professed house in that city, and approved by the General, it ends thus :—

"The whole under the good pleasure of our R. F. General, and according to the spirit of our constitution."

In the article, 1609, proposed by the Father Nevelet, Rector of the College of Rheims, for uniting that College with the University, and in the decree of 18th October, the very first clause is—

"The laws and privileges of their institution, with which they were presented by the Apostolic chair, being unviolated."

In the cause of De la Malte, before the Grand

Council, 1750, the ratification of the Father General was produced.

In the case of a contract made by two Jesuits, with the University of Caen, in 1609, the society insisting that the Father General had not given his consent, they obtained the contract to be declared null; and they produced the letters patent, whereby the contract was so declared, in a cause they had with the University of Caen, in 1720.

The University of Paris made good use of this very same precedent against the society, by shewing in a suit with the University of Rheims in 1724, that the decree of 1609, and the transaction of 1617, which they pretended had united the society with the University of Rheims, were not ratified by the Father General, and therefore were null.

The union of all the houses of the Missions in general, and of the missions and houses of New France or Canada in particular, with the body of the society, appears from the contract of Father Biart, Superior of New France or Canada, and Father Ennemond Massio, in 1611, in which they stipulated on one part:—

“As well for them as for the province of France, and the said company of Jesus.”

(The contract related to the cargo of a ship bound to Canada,) and ——— part, *viz.* : of the merchants ———, the terms were:—

“The contractors agree that the said Jesuits, as well in their name as in the aforesaid capacity, enjoy and have for their profit the entire moiety of all, and several, the merchandize, profits, and other things, circumstances and dependencies.”

So that the Province of France, the Province of Canada, and the whole company were indivisible in their interest and property. The University of Paris produced an authenticated copy

of
164
dep
the
me
wh
der
T
its
ten
of t
the
edie
rest
Pro
the
take
wer
men
the
orde
frat
as
mon
in t
ner
libi
prin
of th
“A
Cæsa
Socie
occu
F
time
seu
serv
quer

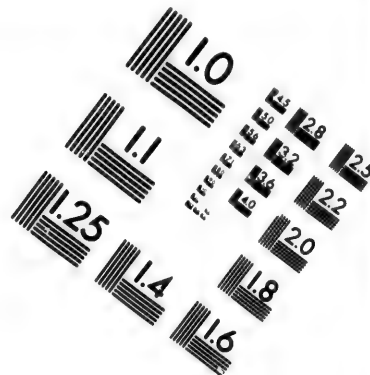
of this contract in a law suit with the Jesuits in 1644. It shewed that the House of the Missions depended upon the Province, the Province upon the Society, and that all the Missionaries, its members, were but agents of the Company, which was united, as we have already shewn, under one principal director, of unlimited authority.

These ideas of the society and of the Titles to its possessions are confirmed by the pieces written by the Jesuits, and published by the authority of their order in their famous dispute with all the rest of the Regulars, on the occasion of the edict of the Empire Ferdinand II., in 1829, for restoring the Estates of the Empire, which the Protestants had taken away. The champions of the Jesuits insisted that no other orders could take but themselves, because the fraternities were distinct, which once held those endowments, and were now extinguished; that they, the Jesuits, were, on the contrary, one indivisible order; that the Generals and Visitors of those fraternities which were local, had only a power as to the regular discipline of each separate monastery; but that these Visitors were not, (as in the order of them the Jesuits,) like their General, able to change persons and properties, *ad libitum*. *Vide* the work of Father Layman, printed at Dillingen, in Suabia, by permission of the Superiors, entitled,—

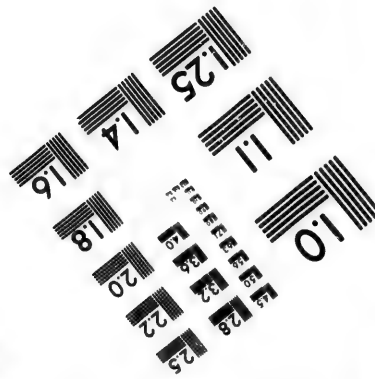
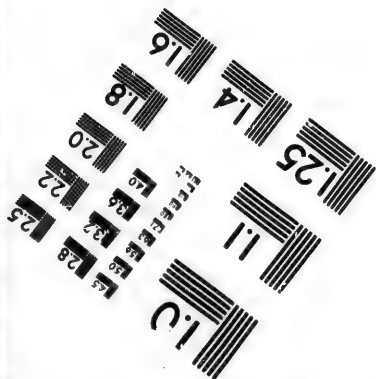
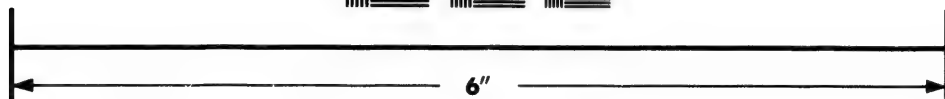
“A just defence of the most holy Pontifex, the most august Cæsar, S. C. R. Cardinals, Bishops, Princes, finally of the little Society of Jesus, in the cause of the extinct Monasteries, and unoccupied Ecclesiastical property.”

Father Jean Crusius, who wrote at the same time a book, entitled “*Astri inextincti Eclipses seu deliquium*,” uses these words which, deserve attention, and affect the case of a conquered country :—





Resolution test chart showing patterns of vertical and horizontal lines with numerical values ranging from 1.0 to 4.0.



Photographic Sciences Corporation

**23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503**

25
28
32
36
40
44
48
52
56
60
64
68
72
76
80
84
88
92
96
100

10
01

"The General himself, as the head of a true political body, possesses, as it were, a territorial jurisdiction, for his jurisdiction is bounded, not by persons only, but also by lands, possessions, the property of colleges.—It is in his power to demand the property of colleges held by the enemy, or even at the time of the personal invasion of those colleges, which in a case of this nature is denied to the Presidents of other orders: since the Religions of those do not constitute a true political body, but only a family—something manifestly circumscribed."

And further, he says,—

"The Society, in its wide acceptation, is mistress of the property and affairs of its colleges, and possesses property incorporated with them; because the scholars are connected indifferently and indiscriminately to all the colleges of the society; and do not vow constant attachment to this or that place, and therefore are transferred from one college to another, at the slightest nod of the R. P. General. The case is different in the order of St. Benedict, because the professed of that order bind themselves by a vow to constant attachment to the cloister."

Father Layman, in his book called "*Censura Astrologiæ Ecclesiasticæ et Astri enextincti*," makes his own order to constitute of itself a church.

"Since it is manifest that in our Society all its members, constituted and governed under one general head, form one whole Church."

From this view of the nature of the institute of the society, it clearly appears, *a priori*, that it was impossible that the society could gain a civil existence, as a corporate body of ecclesiastics in France; and it was far from the inclination of the society to be considered as subjects of any jurisdiction but their own. For this reason, in the famous attempt which they made to be incorporated with the University of Paris in 1564, and an interrogatory being put to them, what they were in France, seculars, regulars or monks? their answer was repeatedly to the question:

"We are in France such as the Court shall denominate us."

It was to preserve this independency of the order from all civil states whatever, under which

its members reside, that the Generals had frequently opposed and effectually resisted even the Popes themselves, by having made themselves necessary to the Papal See.

Thus, all the attempts to lessen the power of the Father General and to change the constitution of the order have never succeeded:—Paul IV., Pius V., Sextus V., and Clement VIII., attempted it in vain; and when the Parliament of Paris consented to re-establish the Jesuits, under certain reservations, as before they had been admitted previously in the Assembly at Poissy, the re-admission was in consequence of the solicitations of Henry IV., and in consequence of his treaty with the Pope; the Pope acquainted the King, and the King the Parliament in respect to the articles:—

“That the General of the Jesuits was not satisfied with them, and was unwilling to approve of them, saying that they were contrary to their statutes, of which the said General wrote letters to the King, which could be presented, and are no longer the articles approved of by him.”

The King added, that it was a great point gained by the Pope, to admit the order in no other way. The Parliament entered it upon their registers, that the Pope had denied the King to establish the Jesuits,

“As they were previously to the decree of the court of 1594,” and re-established them accordingly.

It may not be out of place to insert here the special clauses of the act of Poissy, which, if acquiesced in, the Jesuits must have quitted France. The first consideration was, that they should be received as a religious Society. Second, that they should take another name. Third, that they should submit to the jurisdiction, superintendence, and correction of the Episcopal

decision. Fourth, that the company should not attempt anything to the prejudice of the Jesuits, chapters, rectors, universities, nor of other orders. Fifth, that they should conform themselves to the ancient laws, renouncing expressly and previously all the privileges contained in their Bulls, inconsistent with the foregoing articles.

"Otherwise, in default of making them, or if henceforth they obtain others, the present shall remain null and of no effect and force."

And the Act concludes with a salvo :—

"Saving the right of the said assembly and others in all things."

And when the Act came to be registered by the Parliament, the conditions expressed were confirmed, and the conclusions upon those articles were, that the Jesuits were received :—

"For the present, &c., at the expense of rejecting them, if and when hereafter they shall be found to be hurtful or prejudicial to the good estate of the Kingdom."

The Jesuits allowed all these conditions and provisions of their original admission to exist, according to the Act of the Assembly at Poissy, (none of which the Society either had fulfilled, or could possibly fulfill from the nature of their institutions.) Among the pieces which they produced before the French King in 1715, in order to obtain the declaration of the 16th July, the words are :—

"That they admit in good faith, that by the act of Poissy, and by the act of the court, which orders the enregistering, they were not received as religious.

See printed inventory, signed De Sacy, Advocate, P. Hazon, Jesuit, Procurator-General of the Province of France."

The distinction which was endeavored to be set up between the Colleges and order, was neither supported by fact nor by the institute of the society. For it appears from all the proofs of

their institute, which we have adduced, that there was one chain of dependence ; that the Colleges were not distinct as communities from the body ; that the professed religious held in trust for the Colleges ; and therefore the conclusion is, that if, according to their own confession, the religious of the Jesuits were not received as persons capable of a civil existence, they were incapable of the Trusts, and then the Colleges were incapable of the uses. Thus everything built upon the foundation of this anomalous society falls to the ground together. And it is no wonder that an institution which seems contrived with a subtlety more than human, to subvert the laws of every country, ecclesiastical and civil, should find in the laws of every country an obstacle to its establishment.

Can it be possible that Canada will be the first to set the example, of permitting and encouraging the establishment of this society, and enabling it to subvert its laws !

CHAPTER XI.

THE ROMAN CATHOLICS HAVE NO RIGHT IN EQUITY TO THESE ESTATES.

It has been shown by several arguments, in previous chapters, that the Roman Catholics have no *legal right* or *title* to this property. To prove this the following positions have been taken and maintained. Whatever right the Jesuits had to this property was extinguished by conquest, suppression and confiscation, and the death of the Jesuits. These circumstances made the King of England, by virtue of the "definitive treaty" of 1763, by the fact that confiscated property becomes the property of the Crown, and, by the law that a derelict or vacant estate, always goes to the Sovereign or Government—the sole and absolute possessor and proprietor of this property. His Majesty's right and title to it were of the strongest and most decisive character. No position in law could be decided more clearly and satisfactorily, than the King's Counsel, in the Province, in 1790, decided the question of the extinction of all right and title of the Jesuits to these Estates.

Now, if the Roman Catholics of Canada, in 1850, have any legal right to this property, it must be grounded on an existing legal right of the Jesuits. In law, they can claim it on no other ground than that of being the legal heirs of the

Jesuits, their successors in lawful right and title. Here they fail, for the Jesuits' legal right and title were extinguished 50 or 76 years ago,—first at the suppression in 1774, and then more absolutely, if possible, at the death of the last surviving Jesuit in 1800. This is the most favorable view that can, in justice and fidelity, be taken of the *legal right* of the Roman Catholics to this property.

There is another and a more correct light, in which this assumed right has been previously presented. The Jesuits throughout the world, always have been and are under a vow of perpetual poverty. As a people, by their solemn vow and oath, they can possess no property.—The perusal of the Constitutions of Jesuitism, formed by the Spaniard "Ignatius Loyola," the founder of this Order, about 1550, to be found in J. Taylor's "Loyola and Jesuitism," will convince any person of this fact. The vow of poverty is "understood as forbidding the retention by individuals of any property or funds whatsoever, to be employed or enjoyed personally or privately; as also the acceptance of the customary fees for the performance of the offices of religion; or of any salary rendered on any such account. This law affects not merely individual members, but the churches and houses of the order. All, on being admitted to the order, promise never to consent to any modification of the rules relating to poverty, unless it be such as may render them more severe. All that comes, and which may be accepted, must come from God, in the simple form of alms, bestowed by the pious upon those who are absolutely indigent." "The power of the General is indefinite, and no man has any authority but that which he imparts. He alone appoints to places, dismisses,

continues, is sole, supreme administrator of all the property. They are administered, purchased, sold, contracts are entered into respecting the personal property, rents on the real property of the Colleges are constituted or redeemed; he can sell, alienate, exchange the real property of the Houses or Colleges, without any previous information, without giving thereto any judicial form." This is the state of the Jesuits relative to property. All right and title to property are vested in the General of the Order, originally in Loyola, and, subsequently, in his successors in the office of Generalship.

Now it has been shown, both from French and English legal authorities, that no *alien* can hold real property in France or England. At the time of the suppression of the Jesuits in France, and in the British dominions, the General was a foreigner, an alien, an Italian at Rome. He could therefore hold no property by law, either in the French or British dominions. As the Order had no legal existence in France, being allowed to exist only by sufferance, permission was granted to them to enjoy their Estates for a time. But the Jesuits never had any legal right in, or title to property, either in France or England.

Therefore, it is obvious that the Jesuits never had any legal right to their Estates in Canada. Their only title to them being vested in an alien, who could hold no real property in Canada, either under the French or English jurisdiction; their assumed legal right to this property, their nominal tenure, was a mere rope of sand; their title deeds were no better than blank paper.

Therefore, give the Roman Catholics the same Legal Tenure to this property, which the Jesuits themselves had—allow them to be *their heirs at law*, and they have not even a semblance of

legal right and title to the Jesuits' Estates! In that case, their tenure could not be stronger than that of the Jesuits. As the Jesuits could have no legal tenure—no right sanctioned either by French or English law, the Catholics could have none. The son, who, as heir, claims the property of his father, can have no better right and title to the estate than his father had; he can, as heir, hold no property to which the father had not a good legal tenure.

Thus stands the question of the Roman Catholics' right, in law, to the Jesuits' Estates.

Notwithstanding, have they not a right in equity and justice to this property? Is not theirs an equitable and just right? However they may view the legal point, this is what they assume. Bishop H., in 1789, and the Bishops, Archbishops and Coadjutors, and the Priests of 1846 and 1847, claim a right to this property. Bishop H. says, "The Province has no right to appropriate them (the Estates) to itself, but for their original destination;" which he claims to be the education of the young Canadians and Indians—the advancement of Catholic Missions, and the propagation of the Catholic faith. He argues, that the fact that these Estates were given by Roman Catholics to Roman Catholics, is sufficient of itself to show that "the Canadians, considered as Catholics, have an incontestible right to these Estates." This is the ground taken by the Catholic Church at the present time.

My first reply to the argument of the Bishop, and the assumptions of his successors, is, the Bishop does not state the case fairly. He says, "The propagation of the Catholic faith is the principal motive, assigned in all their title deeds." His assertion in effect is, that these Estates were all given to the Jesuits, both by the 100 associates,

benevolent individuals, and the King of France, for the propagation of the Catholic faith, as certified by the title deeds. Though it is, doubtless, true, that this property was both given and received, for the purpose of devoting it to the interests of the Roman Catholic Church—this is the motive of a very small proportion of the deeds, as may be seen by examining them in the 33rd volume of Parliamentary Journals, before often referred to. These deeds are before me—I have examined them with care. These are the facts: Nearly all these Estates were deeded to the Reverend Fathers, the Jesuits; and most of them *unconditionally* to be theirs, and their heirs forever—without any specific design relative to the use to which they were to be put. Several portions of them were deeded on condition that they should be cleared—five Seigniories, or smaller divisions, *unconditionally*: one, to enlarge the highway by a Church; one for other lands; three, as sites of churches; three, to aid the College of Quebec; eleven in consideration of the payment of money in return; seven in consideration of services rendered to the Canadians, the Savages, and to New France, *and only five for the advancement of Missions, and the propagation of the Catholic faith.* Such were the motives of the deeds. *A small portion of this property, only was given specifically for the propagation of the Catholic faith.* Besides, the act of amortization *devoted it all to education.* Thus the matter stood, while it was in the hands of the Jesuits. With what grace or propriety then, can the Catholics, since it is set apart for education, pray, that it may be restored to its *original design*—or be committed to the Bishops, to be appropriated not only to education, but partly to *other purposes*? In view of the motive of the

title deeds, and the specified design of the act of amortization, which devoted it to education, is there the shadow of equity and justice in their demand? Had this property been given to Lord Amherst, a thing once contemplated by George III., or devoted to any use foreign from education, this demand, however void of equity, might have appeared more plausible and spacious, than it can be made to appear in view of existing facts. But do the Catholics reply, we ask that this property may cease to be devoted to the education of Protestants, and may be expended *exclusively* to educate *Canadians or Catholics*, and thus be appropriated according to the will or intention of the donors? This they desire. The expression of this desire seems specious. But in view of their own assumptions, what relation have the Roman Catholics of 1850 to the Jesuits of 1770, that gives them an equitable claim to a compliance with this demand? Does the fact that they are Catholics give them a relation to the Jesuits, in which originates a rightful claim on their part, to demand and see that the alleged design of the Jesuits should be faithfully executed in this particular? What relation have they to this matter, which makes them the executors of the will or intention of the Jesuits?

But is it said, moreover, these Estates were created for the education of the Canadians, as Catholics—as the quality of the donors and of the almoners of them, and the use to which they were put by the Jesuits, while they possessed and controlled them, *incontestibly* shows—and, therefore, the Catholics have a rightful, equitable, and just claim to their *exclusive* devotion, to the education of their children and children's children! It is unjust in the Province and the Parlia-

ment to withhold them a day from this purpose ! This is the strong point in the case. And yet, it is easily answered. Had the Jesuits' Estates never been forfeited to the Crown, by the principles, institutions, and influence of the Jesuits, which led to their suppression and the confiscation of their property—the transfer of it to public use, then, perhaps, though it had, as a derelict and vacant estate, gone to the Crown—this demand might, with some appearance of reasonableness and justice, have been preferred. But it cannot as things are. The circumstances and events, which committed this property to the Crown, have put it entirely out of the reach of such a demand. Under the circumstances, Government had an equitable and just right to annihilate the order, and with it the will of the order, in the premises, and devote their property to its own use forever. And as it had a clear right to do this, no man, or body of men, have a right to utter a word of complaint, or to ask the Government to reverse its action, to obey the alleged will of a suppression, an annihilated order of men. It savours either of great ignorance, presumption, or arrogance, for any body of men to make such a request.

In order to illustrate this point, the following case is supposed. A., in 1760, makes a will, conveying his property to his heirs and assigns. He rebels against his Sovereign, and for his treason, his property is taken from him, transferred to the public use, taken possession of by the King, and by legislative action is appropriated to a specific object. In 1850, the grandchildren, his natural descendants, by virtue of his last will and testament, come forward and demand the bequeathed estate, as a right in equity

and justice. The law has extinguished the original right of the owner of this estate to it, and yet his descendants claim it on the grounds of equity. They allege, that it rightfully belongs to them. By what moral principle could such an unreasonable claim be sustained? To prove that this property was theirs in equity, they must first prove not merely that their ancestor once had it, but that he died possessed of it.

As his right had been extinguished—as he had no property, his heirs could inherit none. They could in no sense inherit what he did not at the time of his death possess.

Therefore, could the Roman Catholics of 1850, produce a will of the Jesuits of 1770, conveying to them all their Estates in Canada, it would not furnish the least proof of their equitable right to them. With the Jesuits' suppression in 1774, not only their right in equity, but the right even of their legal heirs to their property, forever ceased. But the Catholics can produce no such will. Nor have they any legal relation to the Jesuits any more than they have to Gerard. The fact that they are French Canadians, or of the same race of the Jesuits, and in some respects of their faith, can avail nothing in their behalf. Similarity of blood, or of religious belief, can never be recognized as a ground of equitable right to property.

It may aid to a clearer and more intelligible discovery of the truth here, if we throw ourselves back to 1800 and 1774.

In 1800, "George III." took possession of these Estates, by a writ of seizure, as derelict and vacant Estates, lawfully becoming the property of the Crown. Had he not a perfectly

equitable and just right so to do? Ever after was not this property rightfully and equitably at the disposal of Government? Was not the Government under the most sacred and imperious obligation to take charge of it, and use it according to its wisdom and discretion for the public benefit? In doing this, did they, could they violate the rights of any class of their subjects? No man can reasonably allege this. Again, in 1774, for good and wise reasons, Government suppressed the Jesuits, and transferred their property to public use. In 1762, the same was done in France. It has often been done by European Governments for the good and safety of the state, as well as to admonish all organized bodies not to invade and put in jeopardy its rights. Who ever questioned the just and equitable right to do this? Had not "George II." a just and equitable right to extinguish the Order in 1774, and convert their property to the public use? Had the Jesuits themselves, any just or equitable ground of complaint in the premises? And, who, besides the Jesuits, could have then risen up and said, that they had a right to the forfeited, confiscated property?—no man or body of men. Well, if this could not have been equitably and justly done, neither in 1800 nor 1774, it cannot be in 1850. If there were right and justice on the part of the Crown then, there are now. If no man could then, equitably and justly, complain of the nature and results of its action, no man can, in equity and justice, do it now. If no body of men could then rightfully ask this property for their own behoof and benefit—no body of men can rightfully do it at this time.

Be it indeed, that the Canadians, as Catho-

lics, have neither the control nor exclusive benefit of the forfeited Estates of the Jesuits, and that they only receive their portion of the Revenue in connexion with Protestants—the other Colonists. What right have they to the exclusive monopoly of property, lawfully and equitably transferred to the public use—or to its exclusive expenditure for their benefit, to the neglect and detriment of their Protestant neighbors and fellow-citizens?

CHAPTER XII.

STRICTURES ON A MEMOIR OF THE ESTATES WHICH BELONGED TO THE JESUITS, &C.,—THE LEGAL TENURE OF THIS PROPERTY WAS NEVER VESTED IN THE ROMAN CATHOLIC CHURCH—THE ENGLISH GOVERNMENT NEVER GUARANTEED IT TO THE JESUITS—IT WAS RIGHTFULLY CONFISCATED; AND INCORRECT STATEMENTS OF THE AUTHOR.

IN 1845 a pamphlet of 36 pages was printed in Montreal, entitled a "Memoir upon the Estates which the Jesuits possessed in Canada, and the objects to which these Estates should at present be applied." The object of the writer of this tract (whose style, course of reasoning, and particular knowledge of the history, canons and laws of the Catholic Church shew him to have been either a Catholic Bishop or a high ecclesiastic) was to prove that the Jesuits' Estates should be devoted exclusively to the establishment and support of Roman Catholic educational institutions and missions. At the time this pamphlet was written, the revenue of these Estates had not been specifically appropriated. It had been set apart to education by the Act 1 Will. IV., but it had not been taken from the public chest, and applied to any particular class of institutions. Such an application was made by the Act of Vic. 9, Chap. 59, passed in 1846.

The design of the author seems to have been to influence Parliament, at its session in that year, to appropriate this Revenue exclusively to the interests of the Catholic Church. He failed in his attempt to secure this result. Having neither law, judicial decision, equity nor truth on his side, he could not have reasonably expected that Parliament, in whose archives was an abundance of documentary evidence, to expose his false premises, and baseless assumptions, and to refute his arguments, could have been made the blind dupes of his selfish and unrighteous schemes, and the agent of executing his sinister and sectarian designs. To all enlightened readers—persons who understand the subject discussed, the document carries with itself its own corrective. For bold assumption of positions incapable of proof, incorrectness of documentary evidence, and for inconclusiveness of reasoning, it is a remarkable paper. It betrays in the writer, either great ignorance of the subject, which he attempts to discuss, or great unfairness and dishonesty in making false statements, and suppressing testimony which overthrows his theory. All its main positions are directly contrary to the documentary proof, found in the Parliamentary Appendix of 5 George IV., a part of which has been given in the preceding chapters—many of its assertions are grossly false, and not a small amount of its matter is manifestly irrelevant to the subject. The intrinsic merits of this pamphlet, give it no claim to a critical review, or an extended reply. Nor is this necessary to expose its fallacy and weakness. A brief notice will remove the main pillars of its theory, and give the superstructure to the wind. The general argument of the author, as far as it has a logical arrangement, is divided into three sections or

chapters. The first chapter is devoted to two topics: 1. The Jesuits' Estates are the property of the Roman Catholic Church. 2. The English Government, by the articles of the capitulation of Quebec and Montreal, and by His Britannic Majesty's reply to the Treaty of cession, guaranteed to the Church "the free exercise of their religion, and the preservation and possession of all its moveables; and the property and revenue of its Seigniories and other Estates, and that the same Estates should be preserved in their privileges, rights and exemptions."

It is a sufficient reply to the first position here assumed, that the Jesuits' Estates were not the property of the Catholic Church, but the possession of the General of the Order of Jesuits—an Italian at Rome. It was deeded to individual Jesuits, or to the Reverend Fathers of the Company of Jesus, and not to the Church, and they held it as Trustees of the General, in whom alone all the legal tenure existing was vested. Though these Estates belonged to an order of men in the Church, that order was, in its constitutions and corporate capacity, so entirely distinct from the Church, that that body could, in no sense whatever, be alleged to be the owner or possessor of them. This opinion is supported not only by the character and constitutions of the order—by all the internal evidence of the case, but by all past legislative and judicial action with respect to the Jesuits and their possessions. The first position, therefore, is an assumption without the least proof.

The second position taken, being dependent on the first for support, is equally groundless. The guarantee of possessions, rights and privileges, given to the Catholic Church, was given to that body in its ecclesiastical capacity, and

not to the order of the Jesuits in their distinct organized and corporate capacity. The guarantee pledged the toleration of Romanism and not of Jesuitism—of the religion of the Church of Rome instead of the constitutions, institutions, peculiar faith, schemes, and action of the Jesuits. It was also the seigniories, estates, and possessions of the Roman Catholic Church, and not of the Jesuits, that were to be unmolested. The authorities, cited from the articles of the capitulation of Quebec, in 1759, and of Montreal, in 1760, and from His Britannic Majesty's reply, to the Treaty of cession in 1763, and from the action of the Imperial Parliament of 1774, are therefore irrelevant to the question in dispute. They utterly fail to support the argument and conclusions of the author of the memoir.—Nor is that all. The explanatory and most authoritative passage cited, disproves and refutes his argument. It is the eighth section of the Act of 14 Geo. III., which is in these words:—"And be it further enacted, by the authority aforesaid, that all His Majesty's Canadian subjects, within the Province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with their customs and usages thereto, and all other their civil rights, &c."

His Britannic Majesty, in this guarantee to the Catholic Church, excepted the religious orders, one of which was the order of Jesuits. He did not pledge the Crown to the Jesuits, to secure to them the possession and enjoyment of their Estates. But admitting, that His Majesty had not made this exception, but had guaranteed to the Jesuits the possession and enjoyment of their Estates; from the nature of all such guarantees and pledges of Government to sub-

jects, all obligation of the Sovereign or Government, to the subject, ceased, whenever the Jesuits ceased to be good citizens, or whenever it became evident, that their existence, as an order, was incompatible with the interests of the state. Then the strongest guarantees and pledges, had they been given, would have been annihilated, and all obligation to make them good, would have been dissolved. The subject can secure the protection and guardianship of his Government, only on condition of maintaining good faith, by demeaning himself, as a faithful and good citizen.

In the second chapter of the memoir, the author, reasoning from his assumed premises, which have been shewn to be without foundation, or false, that the Jesuits' Estates are the property of the Roman Catholic Church, advances to prove from numerous Papal authorities, that the property of the Church cannot be diverted from its original destination—that it cannot be confiscated, and devoted to any other use, than that for which it was originally designed.

Provided this is; and ever has been, a doctrine of the Roman Catholic Church; and provided also, it is a doctrine, sanctioned by its councils, decrees, canons and usages, for more than 1300 years, and by the action of Popes Clement, Urbain, Innocent, Paul, Pius, and every other Papal Pontiff, and by Napoleon Bonaparte, as the writer alleges, does that evince, that property, which never belonged to the Church, but whose legal tenure, as far as any existed, was vested in an Italian at Rome, might not be confiscated and devoted to the purposes of the British Crown? Does it prove anything to the purpose? Again, admit that the doctrine and

usages of the Catholic Church, in the premises, have been, and are what the author of the memoir alleges ; are her doctrines and usages obligatory, on Protestant Governments and nations ? Is all the world under obligation, to recognize her to be the lawgiver of all mankind ? to obey all her mandates and bow to her despotic rule ? This seems to have been the confident presumption of the author. However, even Catholic France, when it confiscated the Jesuits' Estates, within its dominions, in 1762, seems not to have believed this doctrine, nor to have submitted to these absurd, arrogant, and revolting demands. The Church of Rome may, if she pleases, make laws for herself, and enforce them upon her blind and obsequious vassals ; but she presumes rather too much, when she expects that all the world will receive laws from her Councils, and submissively submit to her usurpations.—The remainder of the memoir is devoted to an answer to the enquiry, " What have been the effects of the conquest," upon the question of the right and title to this property ?

There are twelve pages of crude and irrelevant matter, presented to shew that the conquest did nothing to extinguish the right of the Jesuits, and of the Catholic Church to the Jesuits' Estates ! There is no allusion to the legal and judicial decisions had in Canada, France and England, against his opinions and conclusions. An answer, and the only correct answer, which can be given to the enquiry here presented, is found in the eighth and ninth chapters of this work. The conquest gave the King of England, George III., the entire jurisdiction over Canada, in 1763. In 1774 His Majesty suppressed the Jesuits, confiscated their property, and appropriated it to the uses of the Crown. And in 1800,

by the death of Father Cazot, the last surviving Jesuit, the property, as a derelict and vacant estate, by national law, became the possession of the King, if possible, by a stronger tenure. And yet, a Roman Catholic Bishop affirmed, in 1845, that the conquest did nothing, to extinguish the right of the Jesuits or Catholics, to the Jesuits' Estates ! If he was not in possession of the data, the knowledge of which is indispensable to a correct understanding and decision in the premises, he should never have attempted to investigate the subject ; much less to give currency to his insupportable dogmatism. If he possessed the requisite and existing data—the documents previously given, and yet suppressed the principal and decisive evidence in the case, he has left on record stronger proof of his Jesuitical cunning craftiness, than of his fairness, justice, honesty, or integrity. In either case, he can lay but little claim to confidence or credence. For the purpose of enabling the reader still further to judge, to what extent this remark is strictly just, some instances of his inaccuracy in the statement of facts, will be given in conclusion of this chapter.

The passages in italics are from the memoir :

The English left the Jesuits in possession of their Estates.

In 1774, George III. confiscated their Estates, and vested all their rights, privileges and property, in the Crown.

The administration and enjoyment of the Estates, belonging to their order, was left to them.

In 1764, the King took possession of their College and converted it into Barracks for his troops ; and in 1774, he left to them only certain allowances and stipends, such as might be necessary for their comfortable subsistence during their natural lives.

In 1787, Lord Amherst solicited from the King of England the surrender of a part of these Estates. The King named Commissioners to examine, among other questions, whether the Estates demanded by Lord Amherst, could be legally given, and granted in the manner proposed. The Petition of Lord Amherst it seems was not granted.

The implication of the author of the Memoir evidently is, that the Commissioners decided in the negative. It has been shewn, that the Commissioners decided in 1787, that the legal tenure of these Estates was vested in the King, and that he might legally give and grant them to Lord Amherst.

The last Jesuit of Canada was Father Cazot ; he died in 1800. Up to his decease the Government had not touched the property of the Jesuits.

The Government took actual possession of the most valuable part of this property, in 1764, confiscated it all in 1774, and from that period to 1800 controlled and converted to its own uses all of it, except what was necessary for the comfortable subsistence of a small number of Jesuits, who, in 1789, were only four in number. *Immediately upon his death, (Cazot,) the authorities took possession of the Estates. It seems, however, that they had no intention of appropriating the revenues to themselves, but left them to accumulate in a separate chest. The Government appropriated these Estates principally to themselves, 24 years before the death of Cazot ; and not one dollar found its way to any separate chest until 1832 ; 31 years after Government took actual possession of the property, by seizure, and 55 years after its confiscation.*

CHAPTER XIII.

THE EXORBITANCE, UNREASONABLENESS AND INJUSTICE OF THE DESIRE AND PURPOSE OF THE ROMAN CATHOLICS TO OBTAIN THIS PROPERTY.

For a period of 225 years, or ever since Abbé Oliver applied to the King of France for a grant to establish a Sulpician Seminary in Montreal, which resulted in obtaining the Island of Montreal for that purpose, the Roman Catholics have been amassing property in Canada. Their possessions have become of very great extent and value. But as it seems that none of their institutions have been required by Government to report the state of their funds, there are no means of ascertaining the exact amount of their wealth. However, something may be learned on this subject from various documents. According to Bouchette, in his first edition of the "description of Lower Canada," the following Seigniories belong to some of their principal institutions:—To the St. Sulpician Seminary, Montreal, the Island of Montreal, 32 by 10½ miles square; the Seignior of St Sulpicius, 6 by 18 miles; and the Seignior of the Lake of Two Mountains. The endowments of this Seminary are very extensive and valuable. On the testimony of the Ecclesiastics connected with it, the annual revenue of its funds is \$128,000. If this income is equal

to 6 per cent on the capital, their funds amount to \$2,300,000. But considering the low rents received on their concessions, it is presumed, that the revenue does not exceed two per cent. on the capital. Admitting this to be the rate, then the funds of the institution are \$6,900,000. To the Nunnery of Grey Sisters in Montreal, the Seignior of Chateauguay, 6 by 9 miles, and of the Isle of St. Paul, 6 miles in circumference. The endowments of the Seminary in Quebec, are also of great extent and value. To this belongs the Island of St. Jesus, N. W. of Montreal, which is 6 by 21 miles—the Seignior of Beaupré 18 by 96 miles—of the Isle aux Caudres—of Isle de Cap Boule, Caulanges, and St Michel, and the Sault aux Matelot. The yearly income of this Seminary must be very great, but its officers let no one know what it is. Various statements of the amount have been made to the writer, but none on which he can rely with sufficient certainty to be given to the public. Secrecy in this case seems to indicate that the funds are very great.

That the Roman Catholics in Quebec have great wealth, is seen by the fact that the Bishop of that city in 1849, subscribed \$200,000 to the Quebec and Halifax Railroad, and expressed a willingness to make immediate payment. To the *Hôtel Dieu* of Quebec, the Seignior of Grondines, 6 by 9 miles; of Port Neuf, 4 by 9; and of St. Croix, 6 by 30 miles. To the *Dames Religieuses* of the *General Hospital of Quebec*, the Seignior of St. Augustin, 6 by 4 miles; and Oranville, containing 3,375 superficial arpents. And to the *Grand Vicar*, La Pointe aux Trembles, 8 by 16 miles. To the Ursulines of Three Rivers, the Seignior of St. Jean, and a lot of

land in that town. Here we have about 18,000 square miles, or 11,520,000 acres.

These Seigniories belonged to the Institutions 35 years ago. They have more real Estate in 1850. There is more specific authority on this point. On the 6th of Nov. 1843, the Rev. Lord Bishop of Toronto, in a memorial presented to Parliament, against any Legislative action, designed to take from King's College its lands, communicated the following facts, with respect to the lands belonging to the Roman Catholic Collegiate and religious institutions in Canada East, exclusive of their share in the Jesuits' Estates.—Leg. J. Ap. page 101, 1843:—

	Acres.
The Ursuline Convent, Quebec, . .	164,616
Do Three Rivers, . .	38,909
Recollects, ...	945
Bishop and Seminaries, Quebec, . .	693,324
St. Sulpicians, Montreal, ...	250,191
General Hospital, Quebec, ...	28,497
Hotel Dieu, Quebec, ...	14,112
Sœurs Grises	42,336
	1,232,930

In 1846, the Honorable Mr. Solicitor General Sherwood, from a select committee, in an address to her Majesty, found on the 107th page of the Journals of the session of that year, says:—
 “Our Roman Catholic fellow subjects of Lower Canada, enjoy at this day the most ample endowment for their Churches and Colleges, arising from grants of land.” The list of the Bishop of Toronto contains but a part of the Colonial domain in possession of the Catholics. The Nicolet, St. Ann's, St. Hyacinthe, Chambly, Regiopolis and St. Thérèse Colleges, each have a char-

ter allowing them to hold property, whose annual income may amount to \$12,000. These charters give each of these Institutions power to hold property to the amount of \$200,000, whose aggregate is \$1,200,000. The College of L'Assomption may hold property, whose annual income amounts to \$8,000, that is a capital of \$133,000.

The College of Montreal has power by its charter to possess property, whose annual income may amount to \$20,000, that is, its funds may be \$333,334. Therefore, the charters of these institutions permit them to possess property, whose aggregate is \$1,666,334, or more in proportion as it does not yield 6 per cent. per annum. These charters may not be filled up, and some of them may be, but they give power to acquire and possess this large amount of funds. Many of the Nunneries and Convents are richly endowed. *The Roman Catholic Orphan Asylum of Montreal*, the *Charitable Association of Quebec*, and the *Congregation de Notre Dame* of Quebec, are each chartered to hold property, whose income may amount to \$4,000; two other convents to \$8,000, and two more to \$12,000. Here we have the interest of \$666,666 more. This sum added to that which the charters of the Colleges allow them to hold, amounts to \$2,733,000. This is the result, provided the property yields an income equal to 6 per cent. on the funds possessed. It may not, and it is presumed it would not, on an average, yield more than 3 per cent., and if not, the capital may amount to \$5,466,000.

Nor is this all; other similar institutions were incorporated in 1849, seven or eight of which are permitted to possess property of a specified amount.

All the Archbishops and Bishops in the Dio-

ceses of Toronto, Montreal and Quebec, are legally authorised to hold property *without limitation by statute*, or as much as they please.

On this subject a correspondent of *L'Avenir*, himself a French Canadian Roman Catholic, writes thus :—"The Catholic Clergy of Canada are already much too rich. The Seminaries of Quebec and Montreal possess, besides their immense properties in the cities, Seigniories ; the Bishops have also their large properties. The properties occupied by the Jesuits, the Oblats, the Frères of the Christian doctrine, those of St. Viator, and St. Joseph, by different Collegiate Corporations, by the Ursulines, the Grey Sisters, by the Sisters of the Congregation in the cities and the country, by those of the Hôtel Dieu, of the Sacred Heart, of the Good Pastor of the Province, of Longueuil, &c., are immense. It will be objected, perhaps, that a part of these properties belong to the communities of the women, but it is well known that they are under the immediate influence of the Clergy. They yet speak of founding more of these religious communities, and where is the Curé who is not endeavoring to found a school of brothers and sisters in his parish." These are the disclosures of a member of the Catholic communion, who seems to have particular acquaintance and knowledge concerning the property of the Church.

If this whole matter were spread out before the country, with all necessary and desirable minuteness and particularity, to enable the people of Canada to see, as on a map, the extent and value of the property of the Roman Catholics, and to follow the lines that unclothe every foot, arpent, or acre of the land which they possess, for sites of churches, chapels, vestries, nunneries, cathedrals, colleges, cemeteries, gardens, pleasure

grounds—or for agriculture or any other purpose—and take an invoice of all their other property, in buildings, money, valuable papers, &c., so as to form a just estimate of it all, they would be astonished to see how much property has been granted to the Catholics by Government, or benevolent individuals, or acquired by purchase.

This is the religious denomination praying and begging of Government “an alms;” asking the gift of 616,500 acres of land, of valuable mills and other establishments for business—the Old Jesuit College and appurtenances, and more than \$250,000 in debentures—property which may amount to \$3,000,000 or \$4,000,000. In possession of no small portion of Canada already, and receiving of Government every necessary facility, by Legislative enactment to increase their property, they, without justice or equity to sustain their demand, claim a right to all the Jesuits’ Estates, and ask with the tones of most piteous necessity the boon of them! What exorbitance! What an unreasonable request! What an avaricious, miserly hardihood must have dictated it.

For the purpose of showing the extent to which some Catholic Institutions are authorised, by their charters, to acquire property, and the conditions on which they are allowed to hold it—the substance of two ordinances passed under the French Administration of the Colony, is here given. The General Hospital of Quebec was established by an ordinance of 1692. This ordinance places the administration of the affairs of the institution in the hands of the Governor and Lord Lieutenant of this, then Colony of France, and the Bishop or his Grand Vicar, and their successors, and the Curé of the city of Quebec, and three lay Administrators. To these Directors and Administrators was given power to re-

ceive all legacies and donations obtained by will or any other means whatsoever to sue for and recover the same if necessary—the power to acquire, sell, change, alienate any heritage of whatsoever tenure, to manage the same for the benefit of the said General Hospital, as they might judge proper, to collect rents and dues *without being required to render account to any person or persons whomsoever*. This ordinance amortized all property then held by said Administrators, or which they might acquire in future of whatever tenure, and privileged them to pay *no rents to Government or any other parties therefor*.

The religious community of *Sœurs Hospitalières de St. Joseph de l'Hôtel Dieu de Montréal*, was established by an ordinance of 1669. This ordinance gave the Corporation of this Institution power to hold the property acquired, and then in their possession, free of rent or charge to any parties, to build such buildings as might be necessary for Hospital purposes—to accumulate and acquire and manage as they may deem proper, but not to alienate. The other corporate powers relating to receiving donations, legacies, &c., are similar to those of the General Hospital of Quebec. The Corporation of this institution is an irresponsible body; it is not required to give an account of its doings or affairs to any person or persons whatsoever.

Other facts present the subject under consideration, in an aspect no more favorable. The average annual grants to the Protestant and Catholic institutions in Eastern Canada, to whose support the revenue of these Estates was appropriated by Legislative action in 1831 and 1846, from Jan. 1839 to Jan. 1850, amounted to about \$20,000—total about \$220,000. Some years the grants were less than \$20,000, and in others

more. The grants in 1849 were about \$30,000. Of these grants the Roman Catholics received a large proportion, varying it seems, from year to year, as the necessities of their institutions required, and as their petitions to Parliament contemplated. In 1842, they received more than one-fourth, or \$5,814, of \$21,586 and in 1849, more than two-fifths, or \$12,500, of about \$30,000. During these eleven years, they established seven of their Colleges, all of which, either for the erection or completion of buildings, or the purchase of apparatus, or other purposes, have been liberally aided from the Public Chest. In 1846 and 1849, inclusive, the College of St. Anne received about \$5,000; the College of St. Hyacinthe, about \$9,000; the Chambly and L'Assomption Colleges, a little less, and the Regiopolis College has, for several years, received \$1,000 annually; while no Protestant College in United Canada, except Bishop's and Victoria Colleges, have been aided. It appears by an examination of Petitions, registered in the Journals of Parliament and of Legislation, that Government has granted the Roman Catholics acts of incorporation and money, whenever they have been requested to do it, to establish or build up their institutions. The Roman Catholics cannot complain on this score. The only College aided by the Executive in 1848, from the Jesuits' Estates' Revenue was Nicolet College, which received a grant of \$800.

Now nearly three-fourths of the \$220,000 granted, came from the common Revenue, while the Revenue from these Estates was left to accumulate. The Roman Catholics have been aided from the common Revenue, accruing from the Customs of Eastern and Western Canada, while most of the Revenue of this property has been

withheld from the object for which it has been set apart, and treasured up. And notwithstanding this liberal aid received of Government, from Revenue paid principally by the Protestant population of United Canada, they ask not merely a more liberal share of the *interest*, *nor all the interest only*, but that Parliament may repeal the law of 1831, devoting the Revenue of this property to education, and pass an act giving to them *both principal and interest*! What an audacious and presumptuous stride is this! What enormous and excessive overreaching to acquire that to which they have no more exclusive right than the Protestant Colonists have? Would they monopolize and swallow up everything?—So it seems. *This procedure is distinguished by the most flagrant injustice.* The Protestant population of Canada East have as good a right in law and equity to this property as the Catholics. A due proportion of it is made theirs, by the action of the Imperial Provincial Government. The Revenue is exceedingly necessary and opportune to aid their literary institutions. Having, in general, no funds, they greatly need this Revenue.

Their necessities, in a pecuniary point of view, are far greater than those of the Catholics; and yet, the Catholics would take this money from them—from their Grammar Schools, Academies, Colleges, and higher Seminaries, and devote a part of it to Catholic education, and the residue to the support of the Priesthood—in other words, to devote all of it to the interests of the Catholic Church! They would *rob* their neighbors for the sake of enriching and aggrandizing themselves!

The injustice is committed not only against Eastern, but, likewise, against Western Canada

—against the Protestant population of United Canada. For if the Jesuits' Estates are taken from education and given to the Romanists, then the common Revenue, the Revenue of both Provinces, must be taxed to make up the deficiency occasioned by such an unrighteous procedure. Moreover, give the Jesuits' Estates to the Papal Church, and they would, doubtless, soon be so appropriated as to leave their old and new Institutions in a situation to render it plausible for them to call on Government for aid, as they have hitherto done. It is with rich Corporations as with rich men—the desire to acquire increases in geometrical ratio, or in proportion to acquisitions made.

It is pertinent to remark, in view of the flagrant injustice of the wish and attempt of the Roman Catholics to acquire the possession and control of these Estates; it is no matter of surprise, that when certain conductors of the Press in Montreal, gave currency to the rumour that Earl Elgin, the Governor General, was negotiating with the Catholic Bishops to give this property to them—the Honorable Lord should have communicated by *telegraph* from Toronto to Montreal, a *direct and unequivocal denial* of any participation in such a nefarious and unrighteous transaction. If the Governor or his constitutional advisers should, *for any purpose or design*, conceive the idea of such an immoral procedure themselves, or countenance and approve it in others, they would betray a degree of unfaithfulness and of treachery to the interests and rights of the majority of the Colonists, which would prove them to be unworthy of the confidence of the country—and which would be condemned and denounced by the civilized world.

CHAPTER XIV.

THE PROTESTANT POPULATION MAY RETAIN THESE ESTATES TO BE DEVOTED TO THEIR PRESENT USE— SOME CONSIDERATIONS THAT URGE THEM TO EXERT THEMSELVES FOR THIS PURPOSE—AND SUGGESTIONS RELATIVE TO THE COURSE OF PROCEDURE NECESSARY TO SECURE THIS RESULT.

PROTESTANTS may retain this property to be expended according to the Acts of 1831 and 1846. This may be easily shewn. A statement of the comparative numbers, institutions, position of the Catholics and Protestants, will make it appear. The Roman Catholics are about *seven-fifteenths* of the population of Canada. They have 40 or 50 Nunneries and Convents of all grades and descriptions, besides other minor educational and hospital establishments and asylums, over which hundreds of superiors, nuns, and priests preside, and in which are 12,000 or 15,000 nuns, novices, pupils, or other inmates; 12 colleges, under the direction and tuition of more than 200 directors, professors and teachers, most of them priests, and in which are about 2,400 students; and between 550 and 600 priests stationed in different parts of the Province, and laboring in districts more or less extensive, in the capacity of missionaries. All these directors, teachers, professors, priests, nuns,

novices, pupils, students, and people, are under the direction and guidance of one presiding spirit—the Bishop of Quebec. The Roman Catholics, who, as a piece of mechanism, with many wheels, arranged with a wheel within a wheel, all have a place and a part assigned them. Priests, professors, nuns, and people, all move in unity and harmony. Such an organized body of organized bodies—such a general and extensive system, composed of all classes, grades, occupations, and professions, systematically arranged under one head, must have no inconsiderable power and influence. And yet, it seems, that their influence is ordinarily as exclusively confined to their own sect, as that of a pendulum to a clock, or that of a mariner to the ship's crew. If there is any exception to this illustration of the circumscribed influence of the Church of Rome over the Protestant population, it is in the influence she exerts on the Colony, by the aid of Protestants through Parliament and Legislative action. Notwithstanding, the Church of Rome, in Canada, is no formidable antagonistic force. She may, through her numerous agencies, by cunning intrigue, secret stratagem and manœuvring, by the flattery of unsound and aspiring politicians, who court her favor and support, do great and lasting mischief to the country. This might be shewn by the history and results of past Legislation.

Nevertheless, what can the Roman Catholics do effectually, against the Protestants of the Colony, on a question like that of the disposal of the Jesuits' Estates, if Protestants act in unity and concert? The Protestants have at least a majority of *one hundred thousand*. They are organized into nine intelligent and powerful religious bodies, viz.: Episcopalians, Church of

Scotland, United Presbyterian, Presbyterian Church of Canada, Wesleyan, Episcopal and New Connexion Methodists, Congregationalists and Baptists. Besides these, there are numerous other smaller Evangelical denominations. The nine leading denominations have 870 ministers. The whole number of ministers professedly evangelical, it appears, cannot be much, if any, less than 1000. Six of the nine principal denominations have their Colleges and professional Seminaries, under the direction and instruction of learned and able faculties, and within whose walls are hundreds of students. Protestants have likewise about 150 Grammar Schools and Academies, in which between 4,000 and 5,000 are taught by able instructors. Moreover, about 70 of the 85 or 90 Newspapers and Periodicals published in the Colony, are issued by Protestants. They have, likewise, three or four medical institutions,—their law students, and their numerous learned and talented judges, jurists, lawyers, statesmen and physicians. Besides, there are multitudes of intelligent merchants, tradesmen, mechanics, &c. Now in these numerous organizations, institutions and classes, embracing many learned and talented men, the power of the press, of the pulpit, of the bar, and of the rostrum of the Legislative Hall, and comprising by far, not only in the higher but also in the lower walks of society—the greatest proportion of the intelligence, talent, enterprize and efficiency of the Colony, are the sterling elements of great intellectual and moral power. This host, clad in the Christian panoply, with the sword of the Spirit at their side, are a formidable body—a body against which no antagonistic force in Canada can stand. Is such a corps compelled to submit to the invasion of their

rights and the sacrifice of their privileges, at the hands of six or seven Bishops and Archbishops, 500 or 600 priests, and a few thousand intelligent nuns, professional and other laymen, whose dupes and tools, in general, are almost as destitute of intelligence as were the sheep of the son of Jesse on the hills of Bethlehem?

The supposition is highly derogatory to the Protestant name, and dishonorable to the intellect and heart of the Saxon race. Let the Protestant Colonists, from the Governor General to the humblest subject, be united in counsel and action, and they may administer the affairs of the Colony as they please. They may at any time, and on any question, put to flight the armies of their antagonists. *They may at pleasure retain the Jesuits' Estates to their present use and destination.* No power against their united volition and efforts can wrest this property from them.

Several important considerations urge Protestants to resist all efforts aiming at a change of the relations of this property, and to use all proper and necessary measures to retain it for its present use. This is their duty not only to their children but to their childrens' children, and to the children and youth of future generations to the end of time. Its retention and appropriation for their intellectual and moral culture and improvement, are matters of great importance. Its present annual income is between \$30,000 and \$40,000. If wisely managed, these Estates will yearly increase in value and productiveness. They will yield a Revenue amply sufficient to sustain the Grammar Schools, Academies, Colleges, and higher Seminaries of Eastern Canada. They are a providential provision to meet both their present and future exigencies. They are

the property of these institutions. The Executive Government has no legal control over them, any farther than to make them as productive as possible, and annually appropriate the Revenue to the specific purpose to which it is set apart. It can never be diverted from this object, except by Legislative action—the vote of the people by their representatives in Parliament. The people have the disposal of it in their own power. Are not Protestants, therefore, under imperious and sacred obligations to guard and protect it from all encroachments of the exorbitant and sectarian spirit of the Papal Church? Can any intelligent Protestant fail to see and feel this!

Again, the question of the ultimate disposal of this property, involves considerations, with respect to political and civil rights, of vital and fundamental importance to the Protestant population of the Colony. Those men who would take all the Revenue of these Estates from the children and youth of Protestants, in obvious violation of legal and equitable right, are prepared for any practicable invasion of the rights of their fellow Co'onists, which their cupidity or selfishness may suggest, even to the compulsion of all to do penance, who should fail to conform to the ridiculous and revolting requisitions of their superstitious mummary, or to their confinement in the dungeon and chains of the horrid inquisition. The Church of Rome, as her history proves, is insatiable and inexorable in her exactions of all within her power. Like the channel of the sea, she is always ready to receive but never full. Therefore, will not Protestants resist promptly, manfully and decidedly, the first approaches toward an invasion of their rights in the case in view? Can they, in safety to their political and civil rights, in general, fail thus to

act? If they yield an iota here, the Catholics will soon, most naturally, attempt greater encroachments and infringement of rights. If they give the Romanists the advantage over them, which they will obtain by the accomplishment of their purpose, in this instance, the result may be as the letting forth of the mighty waters. And if the Protestant population cannot defend and protect their rights, in this matter—if their wishes and prayers are to be disregarded and outraged, as they were in 1849, are they not already the vassals of Papal domination? Connected as they are, in the Colony, with the Church of Rome, whose history is that of injustice, intrigue and oppression—with a power that would crush them if it were able, or shut them up with Dr. Achilli in the Castle of St. Angelo, at Rome; they cannot neglect to do their duty in this case, and not put in jeopardy their richest civil and religious privileges, and their dearest worldly interests! If they prefer supineness, lethargy and inactivity, to wakefulness, vigilance, and efficient action, they may not only rue the day of their criminal slumbers, but reap the bitter fruit of their folly. Let the Romanists have all their rights, but not a *groat more*.

The relation of this matter to a thorough common education, or to a good liberal education, and to evangelical religion, is worthy of serious and careful examination and consideration. A correspondent of *L'Avenir*, a French Canadian Catholic, writing upon the immense wealth of the Catholic Church, says:—

“It is not education which they (the priests) wish, but domination, by means which has the appearance of education. They fear the light, and the means which the clergy employ to hinder it, is to spread such a sort of education as suits them. They fear the light because that will bring examination, and make the people think for themselves, and that will bring liberty, as only

ignorant people are slaves. I have heard it said from the pulpit, that the child which knows the catechism, knows more than Socrates, Plato, Cicero and Virgil. Do children receive at these establishments for the most part, a proper education for the wants of society? Every enlightened man will say no. I can shew, with the *Melanges Religieux* in my hand, that they have dared to preach ignorance in their sheet."

These sentiments exactly correspond with those of the writer of this work, acquired by carefully studying their system of education; by conversation with intelligent gentlemen, who have long resided in the immediate vicinity of their institutions; by conversation with those who have been educated at them, and by visiting several of their principal colleges. The education, which they give, is not a thorough liberal education, but an education principally designed and adapted to make good Roman Catholics. It is said, by reliable authority, that the priests caution the school teacher to teach the scholars as little as possible, except the catechism.

The correspondent, above quoted, thinks that the Bishops and priests have little, if any, regard to education, in their efforts to increase their wealth. This may be true, and doubtless is, any farther than the education of a certain number of males for priests, and professors for their institutions, and of females for nuns, is necessary to have agents to maintain and perpetuate a system designed to keep the multitude in ignorance, and, also, to compete with Protestants.

The last named fact finds a striking illustration in their efforts to increase their educational institutions within the last 30 years, the period of the principal efforts of the Protestant Colonists, to promote education in the Colony. It is presumed that the Catholics have done more within that time to increase the number of their institutions of learning, especially of the higher

order, than they had done for 200 years prior to 1820. If the object of the Clergy is the education of the people, why 238 years after the settlement of the Colony, are so few of them educated, or even capable of reading or writing? If this is their object, why are there about 70 municipalities, principally the residence of Catholics, in 1850, without a school? And why have \$168,000 allowed by Government to establish common Schools, in these and other municipalities of a similar character, never been called for? These facts are very significant and of unequivocal testimony. If the Clergy wished to have the people educated, they could have easily put an end to their bitter opposition to the Common School Law, and influence them to establish schools and receive the money allowed by Government for that purpose.

Now, will Protestants give up these Estates to the Catholics, on their false pretences, or to be *fooled* away on a superficial Roman Catholic education? Does not philanthropy and patriotism demand of them its retention and expenditure, in giving either a thorough, common education, or a classical education!

Again, the Catholics ask this property for educational and *other purposes*. Bishop Hubert defines these other purposes to be, the propagation of the Catholic faith. Protestants, precisely in proportion to the strength of their faith in the Gospel, believe the distinguishing doctrines of the Church of Rome to be fundamentally erroneous, and all the fooleries and mummeries of its perpetual and expensive service to be a delusion, calculated to deceive the unsuspecting, and to ruin the unwary. This they have the most conclusive and satisfactory reason to believe. They believe also, that the Clergy desire to keep

the people in ignorance, that they may retain their dominion over them. This belief is confirmed by the universal history of the Church of Rome, in other parts of the world, and by their own knowledge of it in this Colony.

Now, believing and knowing these things, can the Protestant denominations innocently give up to the Catholic Bishops and clergy millions of money, to increase their ability to oppose the cause of truth?

While alarming and startling dangers menace the most valuable colonial interests, both of Church and State, from the immense wealth and power of the Church of Rome, will Canadian Protestants add three or four millions to their vast treasure? If so, they will prove themselves miserable guardians of the Church of God, treacherous and recreant protectors of the Kingdom of Christ, and most unfaithful defenders of the true faith.

In concluding this work on the Jesuits' Estates, it may be proper to make some brief suggestions, with respect to the line of duty required of Protestants in the present juncture.—The first thing to be done is to give the people of Canada, in full, this *exposé* of the whole matter of the Jesuits' Estates. As these facts have never before been given to the public, the people are ignorant of the merits of the case. Action is necessary, but an intelligent and independent people will never act without information. Therefore, the communication of the facts and documents given in this work, is an indispensable prerequisite to a successful issue of the case. As this must be done to secure the desired result, it should be done without delay. It can be done by the periodical press, and by printing a small volume. The first is necessary

to call attention to the subject, and the second to give more general and permanent circulation to the facts and documents communicated, both among the present and future generations.

The writer has a sincere desire, that his gratuitous labors may not be lost. Will not some benevolent gentleman look to this matter, and see that what ought to be done is done?

Let the *thousand* Protestant *pulpits*, on proper occasions, speak out with boldness and decision, in tones not to be mistaken, not only in the communication of historical facts, and the documents relating to them, but in showing the people the character and merits of the question at issue, and its relation to their educational, religious and civil rights. Until the question of the ultimate disposal of this property is put entirely at rest, let no Protestant give his suffrage for any man, as a member of Parliament, who is not known to be, *not for the sake of office, but upon principle*, opposed to the giving of this property to the clergy and Bishops of the Church of Rome. If this wicked procedure ever takes place, it must be done by Legislative action. If no Protestant gives his vote for a man, who is not pledged to oppose it, the nefarious deed can never be done. It can never be done without the aid of Protestant votes. If they do their duty at the polls, and on the floor of Parliament, all will be safe. Strict conformity to these suggestions, will only be doing what the Catholics, in some sections, have long since done.

Moreover, let the people, by their representatives in Parliament assembled, look early and closely into the condition and management of this property, and obtain of Government an explanation of its policy, in conducting the affairs of the Jesuits' Estates; and especially, its rea-

sons for withholding and treasuring up the revenue to the extent it has done. The history of the past management of this property, by former Governments, both Imperial and Provincial, should surely admonish the people to look after it, with great constancy, vigilance and care.

Let all alienated portions of it, not deeded by sale, be restored to the design to which the whole property was set apart in 1831. If the Government, or City Corporations, have taken and permanently occupied any of the lands or buildings, let them in honesty and fidelity settle with the Commissioner of this property, paying him in full the amount justly due to the Estates and to education. And if the Roman Catholics again petition Parliament to give this property to them, let Protestant representatives immediately communicate the knowledge of the fact to their constituents, and then let all Protestants in United Canada, forthwith remonstrate by petition, against any further legislation on the subject. If these things are done, the property will be secured for its present useful purpose ; but if they are not seasonably attended to—if Protestants sleep over the subject, and leave it to the craftiness of the Church of Rome, and the caprice of servile unprincipled and designing members of Parliament, or of Government—before they are aware, the unrighteous deed may be done and past remedy.

the re-
tory of
former
incial,
k after
re.

ded by
whole
overn-
d per-
dings,
ith the
him in
nd to
gain
them,
com-
r con-
United
gainst
these
ed for
re not
o over
of the
le ur
ment,
e, the
medy.